

MINUTES
REGULAR MEETING, SHALER TOWNSHIP
BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 12, 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, Skelley, Cross, Mizgorski, Shutter, McElhone, Boyle
ALSO PRESENT: Timothy Rogers, Manager; Harlan Stone, Solicitor; Judith Kording, Finance Officer; Chief Bryan Kelly; Matthew Sebastian, Engineer; Robert Vita; Code Enforcement Officer

The Chairman announced that an Executive Session of the Board of Commissioners of Shaler Township occurred 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, August 8, 2017. **Mr. Cross moved, seconded by Mrs. Fisher that the Minutes of the Regular Meeting of August 8, 2017 be approved as received by each Commissioner. The motion was carried.**

Planning Commission – Mr. Wagner

The Planning Commission meeting was cancelled due to lack of an agenda. **Mr. Wagner** informed the Board that there will be a public hearing held at the Planning Commission meeting on Monday, September 18 at 7:30 PM for the proposed cell tower at Undercliff Volunteer Fire Department on Mt. Royal Boulevard. **Mr. Rogers** commented that he will have a Solicitor available at the meeting. Letters have been sent to the surrounding homeowners and the information is on the Township website. The Township has not received any calls or complaints on the proposed cell tower. **Mr. Rogers** explained he is not speaking for or against the cell tower proposal but the company is seeking to alleviate the dead mobile phone service areas in the Township on Little Pine Creek Road and Route 8 which will improve public safety also. **Mr. Stone** commented that once the proposed cell tower is approved by the Planning Commission it is then presented to the Board of Commissioners for approval.

Engineers Report

The next item of business was the Engineers Report.

- *Sanitary and Storm Sewer*
 - Duke's Root Control completed root control work on 9,676 feet of sanitary sewer pipe.
 - Annual CCTV work through RedZone Robotics began. RedZone is initially focusing on the sewer in Fall Run Park so if any issues are discovered, they can be dealt with before the park is reopened.

- Lining contracts A and B continued. Pre-lining CCTV work is complete and lining will take place during September. Prior to lining, some lamp holes will be upgraded to manhole and buried manholes will be brought to grade.
- *MS4 and Stormwater Management*
 - The Township's Pollution Reduction Plans (PRPs) are in the process of being finalized. They will be submitted to the DEP in September. We remain on track with the MS4 permit timeline.
 - I spoke at the "Girty's Run: State of the Watershed" event in Millvale hosted by the Allegheny Watershed Alliance. My presentation focused on recent work that Shaler has done in the Girty's Run watershed and our ongoing efforts to improve stormwater management in the area.
- *Parks*
 - Work is progressing well on all aspects of the Fall Run Park Restoration project. Stream restoration items have been installed in the upper portion of the park and multiple bridges have already been completed. Progress pictures have been posted to the Township's Facebook page. If Commissioners are interested, I can organize a (muddy) site walk.
 - The park will remain closed throughout construction.
- *Paving*
 - Youngblood Paving completed the 2017 paving program. Only a small punch list remains.

Mr. Sebastian presented photos of the construction progress at Fall Run Park. A few of the bridges are already installed, a large portion of the work has been in the waterfall area where the landslide had taken place. The goal is to bring the waterfall area back to its condition before the landslide occurred. There is some sewer replacement and re-routing of the sewer lines. **Mr. Rogers** explained that the Township is paying for the bridge abutments to be anchored to bedrock whereas the old bridges were mounted on wood. This will give a more permanent solution to keep the bridges stabilized during rainfalls and flooding. There is substantial rock work being placed in the stream to slow down the water and keep the water in the stream banks. Stream armoring is part of the project and the Township will receive credit as part of the PRP (Pollution Reduction Plan). **Mr. Sebastian** explained that the stream restoration that is being performed during the Fall Run Park construction will achieve 50% of the Township's goal for the PRP which takes place over a 5-year period.

Mr. Sebastian explained that the water coming from where the landslide took place is all rock which has saturated the soil in the area. The contractor has exposed the storm sewer in the landslide area and have determined that the water is not following the storm sewer pipe, it is coming from the hillside. They are investigating installing one or more drains to direct the water along the edge of the rock on the hillside to an area where it will not create soil erosion. This will be a combination of gravel and pipe. **Mr. Cross** inquired if this was a recent development. **Mr. Sebastian** explained that he was not sure but there are areas in the Township that springs have come to the surface in recent years and residents were not aware of the spring. There is soil being moved near the waterfall that has not been touched in many years and it may be exposing these issues. **Mr. Rogers** expressed that he thinks that the water has always been there and because of the construction and exposure at the base of the rock it has shown the water coming from the hillside. This will give the Township the opportunity to direct the water. There

were core drills done after the landslide approximately 25 years ago and there were concerns of taking too much material from the area. **Mr. Cross** expressed concerns of a broken water line causing the issues. **Mr. Rogers** stated that there are no water lines in the area. He explained that the water may be from the sanitary system and the sanitary system will be re-lined which will reduce the I & I (inflow & infiltration). The repairs will be made while the equipment is on site. The work on the sanitary system and the pipes for draining the hillside will assist in removing the water at the waterfall but there is no guarantee that it will eliminate all of the water. The good news is that the hillside is solid rock and it will hold what is above it. **Mr. Sebastian** commented that there is an abandoned sanitary sewer line in the area and some of the water may be flowing through that line. These lines will be capped to eliminate that water flow. There is a geo-technical engineer from Gateway Engineers keeping track of this as well as the overall project.

Mr. Rogers commented that the bridges being installed at Fall Run Park are pre-manufactured and delivered to the park and installed on the foundations. **Mr. Sebastian** commented that if any of the Commissioners would like to have a site-walk through the park he will arrange that around the contractors work schedule. The Fall Run Park photos have been placed on the Township social media page. The post has been shared and there have been many positive comments about the rehabilitation of the park.

Mr. McElhone expressed concerns on the road paving contractor leaving the township before the paving work is completed. He had a road in his ward that was torn up most of the summer. The road in question was torn up from a water line replacement, not the paving contractor. He inquired if it would chase bidders away if they place a stipulation in the bid specifications that the work be complete before they leave the Township. **Mr. Rogers** stated that if the stipulation for the contractor to finish the work before leaving the Township is placed in the bid specifications, it may diminish the number of bidders. There are times the contractor leaves the Township because of other utility work on roads to be paved. The Township gives the utility companies a year advance notice of what is being paved. Mr. Rogers is aware that it is frustrating to the residents but it was to the Township's advantage this year to be able to have the contractor leave and return to finish the paving this because of utility work. Work was being performed on three waterlines, a gas line and the school district sanitary sewer line in the Township this year. **Mr. Sebastian** explained that there is wording in the bid specifications that the contractor is not permitted to leave the road between milling and paving for a certain amount of days and also between the binding and wearing course. Our paving contractor did not exceed any of those permitted time limits this year.

New Business:

Petition to Vacate (and/or Abandon) a portion of June/Terrace Drive (a paper street) Lot & Block 165-A-166, 1701 Babcock Boulevard in the Second Ward – Ms. Alisa Carr from Leech/Tishman.

The next item of business is a petition to vacate (and/or abandon) a portion of June/Terrace Drive. The Chairman invited Ms. Alisa Carr to address the Board. **Ms. Alisa Carr from Leech/Tishman** was there representing Margaret Heald, owner of the property and First Link of Pennsylvania, LP. She was presenting a Petition to Vacate a Paper Street at 1701 Babcock Boulevard. The property is owned by Margaret Heald and she has signed a purchase agreement with First Link to develop the property. A survey is attached to the petition and

shows the street June/Terrace Drive. The portion of June Drive that they are petitioning to vacate is surrounded by the property owned by Margaret Heald. **Mr. Rogers** indicated the mapped area shown on the screen. The portion to be vacated is not paved and there are no utilities on the paper street. **Mr. Sebastian** stated that he checked the Township records and confirmed with water and sewer that there are no utilities on the paper street. **Mr. Rogers** explained that to vacate a paper street it requires the approval of all of the adjoining property owners and in this case, there is one single property owner. The purpose of vacating the property is to build the building without the requirement of a variance. **Ms. Carr** added that they are also seeking to eliminate the paper street on the property. **Mr. Stone** explained that after twenty-one years a paper street reverts to the abutting property owners which would be the client, except that everyone else in the plan has a right for the use of the paper street. **Mr. Rogers** stated that the two homes on the paved portion of June Drive will not be effected. The property on the southbound side of the paper street are serviced by a private road that is off Babcock Boulevard. **Ms. Carr** stated that is correct and there is a recorded easement on the property. The recorded easement does not cross the property in question. **Mr. Rogers** questioned Ms. Carr if there is any objection to the continued use of the gravel private road next to the property. **Ms. Carr** stated that they did not have any objection. **Mr. Cross** inquired if they had reached out to the adjoining property owners. **Ms. Carr** stated that they have not done that yet as it was her understanding that this was the initial presentation of intent and they will be reaching out to the adjoining property owners going forward. **Mr. Rogers** indicated that Ms. Carr intends to reach out to the two property owners to the north of the property. **Mr. Cross** indicated that the property owners to the south of the property should also be notified. **Ms. Carr** stated that the adjoining property owners to the south have access to the easement agreement. They would be contacting the one that is directly north of the property as they park a vehicle on the paved portion of June/Terrace Drive at the start of the paper street. **Mr. Cross** wanted to avoid surrounding property owners deciding that they wanted use of the paper street. He inquired if the surrounding property owners need to give permission for vacating the paper street. **Mr. Stone** stated that Ms. Carr would need to get the agreement of all of the abutting properties and her client is the only one abutting the paper street. Beyond that if there is a recorded subdivision plan, anyone in the plan would have right of access to the paper street. **Ms. Carr** stated that she was not aware of any subdivision plan. **Mr. Cross** inquired if the Township is permitted to vacate the property if we are not certain that the adjoining property owners are entitled claim to the paper street. **Mr. Stone** stated that the Township is permitted to vacate the paper street but Ms. Carr's client is taking the risk that someone would raise a title issue indicating that they have access rights to the paper street. This would be a problem for the owner and the title company and not a municipal issue. **Mr. Cross** inquired if the Township has form for this process. **Mr. Rogers** stated that the Township requires a petition to vacate from the property owners and in this case the applicant is the lone adjoining property owner. **Mr. Stone** stated that the vacation of the property will be advertised as a public hearing for a proposed ordinance which would be held at the next meeting. If the ordinance to vacate should pass then the ordinance along with the plan and survey would be recorded at the County. It would then be public record.

Mrs. Mizgorski moved, seconded by Mr. Cross that the Township Manager's Office be authorized to assign a temporary number and advertise a proposed ordinance of Shaler Township to vacate a portion of June Drive and Terrace Drive, a paper street along with notice of a public hearing at the Township's regularly scheduled meeting on Tuesday, October 10, 2017. Under question, Mr. Rogers stated that the proposed ordinance will be tabled and the tabling will start the clock when the hearing is scheduled. This will give Ms. Carr time

to contact the adjoining property owners. You will advise the Township of the contact with the property owners and we will start the clock. There are costs to draft the ordinance, hold a public hearing and court reporter costs. He inquired if Ms. Carr is willing to cover the costs. **Ms. Carr** agreed to cover the costs. **The motion was carried.**

Military Leave Policy

The next item of business is possible approval of the Military Leave Policy. **Mr. Rogers** explained that consistent with responsibility to service personnel of our country, the Township provides our employees with military leave as required by state law which is 15 days. Any reservists who report to duty for 15 days is on the payroll. Should the leave go beyond 15 days, the Township is required by law to do just the 15 days. Management is suggesting that we provide for our employees should they be required to report for more than 15 days. In the first 15 days, the employee receives both military pay and municipal pay and all of their Township benefits continue. The policy recommends that once you exhaust the 15 days your pay will be made whole in terms of whatever military pay you receive will be deducted from your Township earnings. The employee will be paid to keep their pay at 100% at regular earnings. All benefits to the employee and family members will remain in effect. Mrs. Kording found that there was not a policy in place and consulted with labor counsel and this policy was recommended. **Mr. Cross moved, seconded by Mr. Boyle that the Military Leave Policy be approved as submitted effective January 1, 2018. The motion was carried.**

Receipts and Authorizations:

The next item of business was the receipts and authorizations for the month of August 2017. **Mr. Boyle moved, seconded by Mr. Skelley that the receipts for the month of August 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 August 2017. The motion was carried. A copy of the Receipts and Authorizations are attached to these minutes as an addendum.

Resolution No. 14-17 Allegheny County Vacant Property Program, Lot and Block 222-C-195 in the Seventh Ward

The next item of business was Resolution No. 14-17 for the Allegheny County Vacant Property Program. **Mr. Cross moved, seconded by Mr. Boyle that Resolution No. 14-17 for the Allegheny County Vacant Property Program, lot and block 222-C-195 in the seventh ward be approved by voice vote.** Under question, Mr. Rogers explained that Allegheny County has provided a more streamlined policy that allows municipalities to deal with vacant properties. Historically, the Township would determine if a vacant property is fit for habitation and if they were not they would be boarded up, condemn the property and tear them down. These efforts are all paid for by the taxpayers of the Township. A lien is placed on the property and these funds are rarely recouped. The County has also placed property up for sheriff sale but there is no benefit to the Township to sheriff sale properties because the Township portion of the property taxes are low compared to the School District. It does not pay for the School District to take the property to sheriff sale either because the legal fees are in excess of the property value. The County program permits adjoining property owners to purchase the property through an application to the County. It also requires approval by the Board of Commissioners.

The Township is more than willing to part with any delinquent taxes on the property to enable new owners and maintenance of the property. Management strongly recommends approval of the Resolution. **The motion was carried.**

Comments:

Mr. McElhone commented that he has heard favorable comments from residents on the pool renovation.

Mrs. Fisher commented that the Township had a new event “Last Splash” Pool Party at the end of the pool season. It was a free event and over 300 people were in attendance. She thanked all those that helped to make the event possible.

Mr. Rogers informed the audience and Board that this Friday evening the Township will have a movie in Kiwanis Park at 8:00 PM featuring “Moana”. Free popcorn will be provided.

Mr. Rogers reported that he received a call from the National Gypsy Moth Management and the most recent risk assessment survey is showing 8 masses at undetectable levels. The areas treated are wooded areas at Burchfield Road and Kiwanis Park.

Mr. Rogers also reported that the Active Allegheny Grant was approved for the Little Pine Creek Trail Connector Study. The Borough of Etna has resolved issues with the railroad to continue construction of their park. As part of that, the Borough of Etna and Shaler Township applied for a grant to Active Allegheny to extend a bike trail from Kiwanis Park to the proposed park in Etna. This will be along Little Pine Creek Road and ultimately find a path through the Borough of Etna. This will also give access to the extension of the trail from Millvale Borough. The grant was for \$23,259.00. The minimum cost for Shaler and the Etna is \$5,000.00 each.

Chief Kelly reported that Homecoming is Saturday, September 23 and Lt. Sean Frank will be giving a presentation on his experience at the FBI National Academy on Wednesday, September 13 at the Shaler North Hills Library.

Mr. Joe Johnson, Shaler EMS reported on the new Ford Explorer purchased by Shaler EMS. The smaller vehicle has given them transport capability for use in smaller and more narrower streets and driveways.

Mr. Conrad Wagner, Planning Commission commented on the great paving work on E. Sutter Road.

Mr. Chris Chirdon, 133 E. Littlewood Street, Pittsburgh, PA 15223 also commented that the paving on E. Littlewood Street was excellent and professional.

There being no further business, **Mr. Boyle moved, seconded by Mrs. Fisher that the meeting be adjourned at 7:50 PM.**

Respectfully submitted,

Timothy J. Rogers, Secretary
Seal