

This meeting called to order by Mr. Edward Sullivan, Chairman of the Board. Board members present were Mr. Mr. Jeffrey Shula, Mr. Larry Harrison, Mr. Timothy Gwynn, and Mr. Charles Konkus. Also present was Mr. Alexander Graziani, Township Secretary/Manager, Mrs. Mary Perez, Finance Director, Mr. Scot Fodi, Public Works Director, Mr. Donald Black, EADS Group, Mr. Michael Korn, Township Solicitor, and Chief Otto.

**Moment of Silence.**

**Pledge of Allegiance.**

**Solicit from staff and Commissioners any unlisted agenda items.**

**Public Comment**

Subject to provisions of Resolution 68/2013:

- a. Comments from the Penn Township Residents/Taxpayers registered to speak.
- b. Comments from Penn Township Residents/Taxpayers at large.

Martin Pattyn – 2008 Stonegate. The neighbor of about half the audience here. I brought to you three weeks ago in this room our developer has had a long-term relationship with announced that he was changing the long-term plan he told us about and is now seeking to access the property he is trying to develop through Park View Court. That is something a lot of people before we built and bought we asked those questions and we were assured that was never going to happen. He was going to work through this access he has on Route 130. I want to make the Township Commissioners aware of that. I have talked to some of you folks I've talked to Alex just to get more detail and I'd be happy to provide more detail behind this. In addition to our concern about traffic and safety adding all those additional trips through our neighborhood that is still being advertised and marketed on their web site as being forty homes in a quiet setting which is going to go to 24 additional units if they do what they are talking about doing that would also be coming through our neighborhood. The last piece is if they do take and they do build on that property the Township should know that your deed from 1969 when you purchased that property there is a fifty foot roadway right of access across that park that allows you access down through the trees to the back side of the Township. If they develop that property up there that access is going to go away but it's been in the deed since 1940 it is also in Mr. Snozik's who is the one who purchased the property two years ago it's in his current deed that is mentioned there as well. I can provide more detail on that as well. There is more than just impact on myself and our neighborhood there is impact on the Township at large. Just wanted to make you aware of that issue.

Mr. Sullivan – Well I'm quite sure just on that we'll make sure our Planning Director is well aware of what's going on. I think I mentioned to you on the phone we did talk.

Mr. Pattyn – We've not talked to Dallas yet.

Mr. Sullivan – I think most of us are unfamiliar with some of the plans but we'll take a good look at it and if there is any issues I'm sure they'll be brought to light.

Mr. Anthony Cortazzo – Want me to spell it? 1099 Government Road, Irwin, PA 15642. Still in Penn Township. Rightfully so Penn Township taxpayer's attention has been drawn to a lengthy collusion of bad environmental laws that reap huge monetary rewards and favors from big oil and gas tycoons. Recent incidents might even say that their business is fracking booming thanks in part to Penn Township Commissioner Sullivan, Shula, and Harrison while not forgetting to mention our own PT State Representative George Dunbar who emphatically voted in favor on all accounts for big oil and gas. Meanwhile, recently proposed subcontracting and awarding of bids on proposed paving and awarded bids on park equipment and installation and construction are reaching staggering sums \$582,020.00 for parks and approximately \$619,718.30 for paving. That's after subcontracting in-house bid of \$390,000.00. Add it up and it equals \$1,211,738.30. Definitely parks and recreation and paving are in Local 1058 job description even as past practices would and does guarantee. Why are you, our Commissioners, ripping off the Penn Township taxpayers? All of you are so-called Fiscal Republican Conservatives, so figure people; it's always easier spending somebody else's money isn't it.

Mr. John Cooney – 4010 Park View Court. Just wanted to add one thing to Marty's comments of our concern as residents of Ray Snozick's development. Understand and perhaps someone can correct me, at one time not too long ago the Township Commissioner's actually had a verbal, not a verbal agreement, but spoke with Mr. Snozick about accessing his soon to be new property I guess it's his new property now the previous Lindsey property adjacent to our property that they were going to work with him and split the cost of having access in an alternate fashion rather than go through our neighborhood and he did not respond. Can anybody comment that was exactly proposed to him that you would split the cost with an alternate access for Ray to come into his new development.

Mr. Sullivan – I don't think we can comment on that at this point but certainly we will look into that and I think if we have a side bar with Mr. Leonard he is probably the one most familiar with it.

Michelle Collon – 3025 Park View Court in Stonegate. I'm new to this so I don't know what happens with any of this but with the neighbors could you please give us a little bit of idea on timing. You said this would go to committee you would talk the Planning Committee is that in a week or a month what is the process to hear back from the Township counsel.

Mr. Korn – The Planning Commission meets monthly so the Planning Commission meets the first week of the month. Candidly I think part of the reason we're just saying that is I was just told about this today. I think this is something we need to learn about and find out what is being proposed here. I got a little bit of a background but I don't think we're ready to comment on this because nothing has been presented, formally to the Township in any way as far as any modifications or any kind of changes. I guess there is obviously information that is going around that is going to have to come to us but at this point we're just learning about what's going on and so that's why we're not ready to comment on it. Again, we'll talk to Dallas Leonard who I think is the one who brought this to us who knows a little more about what is being proposed and I'll make sure the Planning Commission has a lot on their plate right now but I'll make sure they take a look at it or get appraised of what's going on with it in June. Any kind of modification would go to them first and then come to this Board.

Ms. Collon – So it would be the first week of June of the first of the month.

Mr. Korn – The first Tuesday of the month for the Planning Commission. Again, even for that as far as I'm aware of there is nothing on their agenda at this time so nothing has been submitted to them and their deadline to get something on the agenda I think Jeanann usually makes it about a week before or ten days before. Right now nothing has been submitted to the Planning Commission formally for an agenda item. At this point it would be something, since there is something going around we'll talk about and make sure everyone is aware of. At some point something would have to be presented to them formally if the developer wants some changes of a previously approved plan.

Ms. Collon – Okay. The first Planning meeting they're closed they are just with the Planning Commission?

Mr. Korn – What the Planning Commission does is they do a workshop type its open to the public but it's a workshop where so it starts at 6:45 where they basically discuss the members of the public can observe. The formal meeting is also open to the public but they take comments at 7:30 on the same night. Both are on the same night. They have a pre-meeting that is publicly available you can come and listen to the discussion but basically discusses everything that is going to be on the agenda, probably at this point without something having been formally submitted that's where we would be talking about it.

Ms. Collon – Okay. Then will it be posted on what the agenda is every month or how will we know.

Mr. Korn – Yes the agenda is posted every month and Georgia is nodding because it's in the newspaper. It's usually in the newspaper and on our web site for you to see.

Mr. Graziani – Mr. Chairman may I speak?

Mr. Sullivan – Sure.

Mr. Graziani – The sketch plan that has been shared with staff showed the property next to the Stonegate property is being accessed from 130, however; according to the residents Mr. Snozik met with the Stonegate homeowners association and shared with them the information that I'm not sure whether he said he had trouble accessing as he had planned from 130, and therefore; needed to access the development from Park View Court, but I don't know all those details, but nothing has been submitted to the Township that shows that change of plans. What I have seen in the Township is a sketch plan and the sketch plan had access off of State Route 130 only it wasn't using Park View Court. I think the question will be for the Commissioners is what agreement was with the original Stonegate as it relates to the use of the Park View Court if you know how the plan looks it kind of dead ends at the property line in a hammer head fashion it's not quite a cul a sac. Whether Snozik is proposing to use it only as a temporary construction access road or a full time public road all those issues we don't know other than we have talked to the residents and we're glad that they are here tonight and just keep coming and be a part of the public process to discuss that outcome. At this point no plans have been submitted and as Mr. Korn has noted a plan could come in and it could be on their agenda but it would be some sort of preliminary plan whereby the Planning Commission would get a chance to comment and react to it.

Mr. Sullivan – Thank you.

Patricia Emich – I live at 227 Sunrise Drive. I just wanted to let you know I attended a rally and I just got here from the rally and we have another person coming in from the rally now out at Salem Township. That was a rally that was held as a result of the explosion that happened out there on the pipeline. There was quite a few people out there and all the news people were out there too so you might catch something on the news tonight. I had an opportunity to talk to some of the family members of the gentleman that was seriously injured, quite a lot of his body is burned terrible terribly. I guess what my thoughts are and I know you guys are ready to deal with the MEO, but I'm asking that you really seriously look at the setbacks because that house was just barely 500 feet from that pipeline. The houses that were melted were half a mile away. These people are upset and they have every right to be. If it was a well head it would have even been worse because there is no control on a well head if the well head explodes. I know what the frackers are saying, it's safe, it never happens or it rarely happens, the risk is low, but the fact is that it can happen and it has happened. We can't afford to have that happen near our schools. I'm thinking about Sunrise because I know there is a fracking company wanting to come in right down there in Paintertown. I know there is another one out in Level Green. I know there is one up there by Harrison Park it's like they are targeting our schools. If that would have happened near one of the schools there is no way we could have gotten those kids out of there no way. I'm begging you to please look at the setbacks please. Thank you.

**Minutes from the previous meeting were accepted as presented.**

**(Adjourned to executive session to discuss personnel matters)**

Mr. Korn – I'll just certify for the record that I was present for the executive session and the topics discussed were consistent with the Pennsylvania Sunshine Act and dealt with personnel matters as well as litigation.

**Approval of the Treasurer's Report was accepted as presented (attached hereto and made part of)**

Mr. Shula – I have a question. On the recreation account I know we transfer into that account every year and I guess I never paid attention before in a way shape or form but I see we're paying some bills for them. So typically they have expenses that we pay for them? Out of recreation account.

Mrs. Perez – Yes.

Mr. Shula – I noticed there was something in the bills to be paid under theirs too I believe. Lights.

Mrs. Perez – Out of the general fund.

Mr. Shula – No it was under recreation \$3,000 some odd dollars for light fixtures or installations.

Mrs. Perez – From the recreational capital fund?

Mr. Shula – Yes.

Mrs. Perez – Yes that was an expense that was paid from the recreation account there was some bit of confusion about that. It was paid from that account and should not have been from the recreation commission so it was being reimbursed to the recreation commission from the recreations capital fund. It was for some electrical work done by Schultize Electric in the park.

Mr. Sullivan – Is there a motion to approve the treasurer’s report?

Mr. Harrison – So moved.

Mr. Gwynn – Second. Call Vote. All in favor. Motion carried.

**Approval of Police Department Report was Accepted as Presented (attached hereto and made part of)**

Mr. Sullivan – Alex is this the most recent.

Mr. Graziani – On the table there are copies.

Mr. Shula – These say March.

Mr. Graziani – He is just getting catch up if you recall last month he did not submit one so he is playing catch-up.

Mr. Sullivan – Hearing no comments the police report will stand.

**Approval of the Public Works Department Report (attached hereto and made part of)**

Mr. Sullivan – Will stand as written.

**Township bills to be paid**

Mr. Shula – I guess we’re paying a good bit in consultation fees to the Meyer Darragh firm. There were two bills in there.

Mrs. Perez – I think a great deal of that relative to the matter that you just discussed in your executive.

Mr. Shula – Is that Mr. Matthews?

Mrs. Perez – Yes.

Mr. Shula – Okay. I noticed he had two and so did Avolio’s office too.

Mrs. Perez – That was March and April, and yes two came in for Meyer Darragh. He did not get here on time to make last month’s list so there are two on there for Meyer Darragh for this month and most of those are relative to what you just discussed in your legal session.

Mr. Kornis – Probably some on the paving contract also we had a conflict.

Mr. Sullivan – Okay any other questions? Is there a motion to pay the bills?

Mr. Gwynn – I’ll make that motion.

Mr. Harrison – Second. Call Vote. All in favor. Motion carried.

**Engineer's Report**

Mr. Black – Thank you. EADS continues to review several subdivisions we made some additional updates to the Township map. We reviewed the paving specifications and just to provide an update on Sleepy Hollow and Spring Valley the geotechnical company Triade Engineering completed the field work however we still have not received the recommendation so we are awaiting that report.

Mr. Sullivan – Okay any questions. Okay. Thank you. I notice we also have a finance department report. Does anybody have any questions on the finance report?

Mr. Shula – I have a question regarding the expenses income expense report. It jumped out at me. I was looking at the recycling expenses and I noticed that we budgeted \$1,500 for the year and we're at over \$5,000 I believe.

Mrs. Perez – That's due to the cost of the sticker program for the seniors and the cost of the stickers. As the revenue comes in as the stickers are purchased its posted against those expenses so you should see that come down and balance out as we continue through the year.

Mr. Shula – So you're saying even though it's noted under recycling it has nothing actually to do with recycling. It's more for garbage pick-up.

Mrs. Perez – Yes.

Mr. Shula – We've had that much of requests for them that we got that many more.

Mrs. Perez – Yes. Actually we're starting to run low on stickers again so I anticipate we'll be buying them again shortly.

Mr. Graziani – For some reason for year's seniors didn't know we had a program.

Mr. Harrison – Eventually that's going to reduce the number of income for normal garbage charges because folks are not paying their sixty some dollars a month they'll be paying sticker price.

Mr. Graziani – They'll run a risk of buying more stickers than they may have paid on the monthly rate the recycling off-sets it.

Mr. Harrison – Seniors are happy. I'm talking about income for...

Mr. Graziani – We're not worried about the vendor.

Mr. Shula – Another question we had on the Zoning Hearing Board expense I see we had \$5,000 budgeted and we're obviously over that now and it's going to climb beyond that. I guess at some point if we need to we can move some money around.

Mrs. Perez – Yes. I noticed that today as I was going through that. It was my intent as I go through this a little more closely to talk to you all about.

Mr. Shula – It can do nothing but go higher at this point. I had a question on the pension. It seemed like an odd amount. We paid out 28% of the wages to the police maybe just the way the timing goes .7% of the pension funds for the year is that just the way it goes.

Mrs. Perez – No some of that does need to be paid again that's something else that I need to look into that you all pay your pension throughout the year as opposed to in one lump sum towards the end of the year. Something I need to check into.

Mr. Shula – Okay that's all thank you.

**Manager's Report**

Mr. Graziani – I did add a clarification in your in box this evening about the report so you might want to look at that.

**Ordinance 911/2016 – Ordinance of the Township of Penn Granting Approval and Entry into the Seventh (7<sup>th</sup>) Amendment to the Service Agreement**

Service agreement between and among the North Huntingdon Municipal Authority, the Township of North Huntingdon, the Borough of Irwin, the Penn Township Sewage Authority, the Township of Penn, the Borough of Manor, the Hempfield Township Municipal Authority, the Township of Hempfield, the North Irwin Borough Municipal Authority, The Borough of North Irwin and the Western Westmoreland Municipal Authority, which amends the WWMA service area to remove the Cavittsville-Ardara service area from the service requirements of the WWMA, and to transfer the ownership and responsibility for said Cavittsville-Service Are to the North Huntingdon Township Municipal Authority.

Mr. Korn – This ordinance is our approval of the seventh amendment to the service agreement to the Western Westmoreland Municipal Service. They're in the middle of a law suit for a number of years over a service area and basically the deal that was worked out between WWMA and the North Huntingdon Municipal Authority would transfer a service area basically allow the Penn Township the WWMA to sell a service to the North Huntingdon Municipal Authority I think pretty much all the other municipalities have signed off on this or said they would sign-off on it. If we pass this ordinance tonight then we can have Mr. Sullivan sign-off and I can send it off to Dan Hewitt and get this litigation resolved.

Mr. Sullivan – We discussed this so if there is no other question is there a motion to approve.

Mr. Konkus – I'll make a motion to approve.

Mr. Gwynn – Second. Roll Call Vote.

Roll Call Vote

Mr. Harrison – I.

Mr. Konkus – Yes.

Mr. Shula – Yes.

Mr. Gwynn – Yes.

Mr. Sullivan – Yes.

All in favor. Motion carried.

Mr. Sullivan – By separate simple motions award the Penn Township 2016-17 public works commodities bid i.e. asphalt, emulsions, pipes, inlets, grates, stone and signs to the individual lowest responsible bidders. Sealed bids were opened Monday, May 9, 2016.

Mr. Sullivan – Motion to accept the bid quote from Chemung Supply Group for Signs and Sign Hardware as submitted to Penn Township for its 2016 commodity bid opening May 9, 2016.

Mr. Gwynn – I'll make that motion.

Mr. Sullivan – Should we have the dollar amounts in here.

Mr. Graziani – We didn't always include it because of the different variety of things.

Mr. Sullivan – We're actually approving unit prices.

Mr. Graziani – So we may not purchase that many or purchase less so that's why we didn't write up the motions that way.

Mr. Sullivan – Okay we did have the bid tabulation sheets that were issued on May 11<sup>th</sup>. The total of the unit price of \$22,904.50 but we realize that is subject to unit price purchases. Based on that do we still have a motion by Mr. Gwynn.

Mr. Gwynn – Yes.

Mr. Sullivan – Motion by Mr. Gwynn is there a second?

Mr. Harrison – Second. Call Vote.

Mr. Shula – I want to ask for clarification. Should we put that as a not to exceed.

Mr. Harrison – Still going to depend upon the number of units you might purchase based on conditions and circumstances.

Mr. Gwynn – Something could drive you over.

Mr. Sullivan – Mr. Fodi do you want to chime in on this.

Mr. Fodi – Hypothetical I asked a vendor what happens if I need my 51<sup>st</sup> stop sign do I have to come back for more approval because I'm at 50 and I need 51. I agree I was thinking about 11 item numbers to give you unit price for the motion, but that's why I wrote it saying, signs, hardware submitted for the commodities bid opening May 9, 2016. That's the motion almost verbatim from the Shay Cog purchasing alliance. If we were purchasing alliance that's how the motion would be made to us to accept that quote. That's vetted by twenty different solicitor's across Southwestern Pennsylvania I figured it was acceptable for us to do it that way.

Mr. Sullivan – So we will not put a limit on that motion. I do have a motion and a second by Mr. Harrison. Call Vote. All in favor. Motion carried. Award to Chemung Supply Group.

Motion to accept bid quote from Hanson Aggregates, PMA, Connellsville, PA for certain aggregates as submitted to Penn Township for its 2015 commodity bid opening May 9, 2016. Similar situation unit pricing they were the low bidder on that so I will ask for a motion on that to accept the bid.

Mr. Harrison – So moved.

Mr. Gwynn – Second. Call Vote. All in favor. Motion carried. Award bid to Hanson Aggregates.

Motion to accept the bid quote from Tresco Paving Corporation, Pittsburgh, PA for asphalt material as submitted to Penn Township for 2016 commodity bid opening May 9, 2016.

Mr. Konkus – I'll make that motion.

Mr. Shula – Second. Call Vote. All in favor. Motion carried.

Motion to accept bid quote from Russell Standard Corporation, Mars, PA for asphalt emulsion for commodity bid opening May 9, 2016. Is there a motion?

Mr. Gwynn – Motion to accept.

Mr. Shula – Second. Call Vote. All in favor. Motion carried.

Motion to accept bid quote from Pleasant Unity Supply, Inc. Pleasant Unity, PA. Stormwater pipes submitted for the 2016 commodity bid opening May 9, 2016.

Mr. Konkus – I'll make a motion to accept.

Mr. Gwynn – Second. Call Vote. All in favor. Motion carried.

Motion to accept bid quote from Pleasant Unity Supply for Stormwater grates and inlets for 2016 commodity bid opening of May 9, 2016. Is there a motion to accept?

Mr. Harrison – So moved.

Mr. Shula – Second. Call Vote. All in favor. Motion carried. Award bid to Pleasant Unity Supply.

Mr. Graziani – Just in context for the Commissioners. In the general fund budget there is a line item called traffic signs. This year \$10,000 is budgeted for that and for the last ten years we've averaged about \$6,000 on that line item just to give you some context how the signs go. I'm not sure we inherited how Bruce would put together a unit bid, but just so you know we don't spend over that and that's really your guide. You said it not to exceed approve the budget and this year it's \$10,000 and last year we did about \$7,000 or so and we actually had \$15,000 budgeted for last year and we reduced that line item this year. Some of these are capital expenditures and you'll find them on the capital side of the budget for stone and inlets and so forth pipes are capital in nature so you wouldn't find them in the general fund in line items they would be over there. That's where you set the cap for our expenditures.

Mr. Sullivan – Thank you. OK by simple motion accept the lowest qualified contractor bid portion of the 2016 Penn Township paving program. Sealed bids were opened Wednesday, May 11, 2016. The Commissioners may choose from either of the followings:

Motion to award 2016 contracted road program base bid #1 to Tresco Paving Corporation in the amount of \$1,053,233.30.

Motion to award the 2016 contracted road program base bid #2 to Tresco Paving Corporation in the amount of \$1,123,358.30.

Mr. Sullivan – The difference just so we're all clear is the virgin verses the recycled mix. Mr. Fodi is that correct?

Mr. Fodi – Correct. I did talk to I didn't reach out to Penn DOT they've answered all our questions about percentages. I did reach out to the presumed low bidders and said just for clarification and edification just in case the Commissioners asked me what are your ratio mixtures. For the RAP binder 35% would be used and the binder mix and for the wearing coarse 15% RAP would be used. That is the answer to base bid #1. He said up to 50 is allowed but he is usually 35 and 15%.

Mr. Sullivan – Is there a motion if there are no other questions.

Mr. Shula – I'll make a motion we accept the Tresco base bid #1 for \$1,053,233.30.

Mr. Gwynn – Second. Call Vote. All in favor. Motion carried. Award the contract to Tresco for base bid #1 for \$1,053,233.30. Thank you. Let's get some roads paved.

**Resolution 57/2016 – Resolution of the Township of Penn authorizing preliminary and final approval of a land development for the Community United Methodist Church Building Addition. Located at 3487 Route 130 and zoned MDR.**

Mr. Kornis – We talked about this Wednesday this is for preliminary and final conditional approval the conditions are common with NPDES permit, erosion and sedimentation permit, DEP approved planning module, finalize and Operations and Maintenance Agreement with Penn Township for Stormwater BMP and compliance with zoning ordinance. Standard conditions.

Mr. Sullivan – Anyone want to make a motion?

Mr. Konkus – I'll make a motion to approve with conditions.

Mr. Gwynn – Second. Call Vote. All in favor. Motion carried.

**Resolution 58/2015 – Resolution of the Township of Penn authorizing preliminary land development approval for the Draftina Central Pad 31. Property located at emergency address of 1051 Dutch Hollow Road. Property is zoned RR. Tax parcel #55-10-00-0-036.**

Mr. Korn – So we might as well talk about Resolution 58 and Resolution 59 together. Resolution 58 being Draftina and Resolution 59 being Beattie. As I told you at the Wednesday meeting at the time we had not had the decision on the hearing from Draftina from the Zoning Hearing Board. We now have the decision. As we expected given the application were almost identical the decision was very similar, in fact both were denied. I don't think we have a written decision that I've seen, but I suspect the written decision will be similar as well. The question is what does that mean for us. As I explained on Wednesday the reality is we're considering something different. The Zoning Hearing Board makes the decision on whether or not to allow the use. At the moment for both of these sites they've said no. The question before us is on the actual land development which doesn't deal with the drilling but deals essentially with what's happening on the surface. They originally came in requesting preliminary and final conditional approval we told them no, they came back and submitted the application that they have in front of us today which is for preliminary conditional approval. Whatever is done today, A they can't do anything at all until they get all the other conditions that we have here, and the very first condition is to get Zoning Hearing Board approval, and B even if they get those approvals they have to come back to us for us to confirm that they met the conditions. Let me give you the conditions that were recommended by the Planning Commission. 1. Pursuant to Chapter 156 of the Code of Penn they must show evidence of compliance with Section 190 Zoning Code which includes a grant of a special exception of gas and oil operations. So they have to get the special exception which at the moment they've been denied. 2. Subject to any and all conditions set forth by the Penn Township Zoning Hearing Board. So if the Zoning Hearing Board ever does grant approval but imposes conditions those conditions would be part of our approval as well they would have to meet it on both ends. 3. They would have to submit to the Township and we would have to approve a site specific emergency response plan submitted by the applicant.

Mr. Graziani – They do have copies of the resolution as well so if you want to follow along I know some of you are using the agenda's you may use the resolution 58-2016 and 59-2016 in your packet. So you don't have to take notes.

Mr. Korn – Sure I'm also giving them to the public.

Mr. Graziani – So the first thing in your packet would have been your code and then you flip through that and you'll find that part that was paper clipped.

Mr. Korn – Can I continue?

Mr. Graziani – Yes sir I'm sorry about that.

Mr. Korn – That's okay. Number 4. Review and approval by the Township of the site control and disposal plan submitted by the applicant. 5. Review and approval by the Township of air modeling and hydrogeological studies. Obviously I've heard a lot about this and yes this is studies this isn't on-site monitoring but this is something that under our ordinance right now we can ask for pre-studies. 6. Compliance with Section 190-407 f 5 d 6 of the Code Zoning compliance with the entire Zoning Code all the requirements of it. 7. Submission of a copy of the drilling permit issued to the applicant by the Commonwealth of Pennsylvania Department of Environmental Protection. They don't have this yet and they can't get it until they get the ZHB approval the DEP won't issue this until the Zoning Hearing Board acts as well. Again, everything is sort of frozen by the Zoning Hearing Board decision. 8. Compliance with Chapter 144 which is Stormwater Management and Land Disturbance Activities of the Code. This is a section frankly in working through this is probably where we ended up having the most comments and back and forth with the development. This requires a 50% storm water reduction for the entire site and they wanted to limit it back to certain sections, we held firm, the storm water calculations on both Beattie and Draftina now comply with this to the satisfaction of our engineers. 9. Submission of a copy of a Penn DOT minimum use highway occupancy permit. 10. Applicant is required to obtain all other permits necessary in order to engage in drilling operations including but not limited to, so as far as I know I haven't looked into it, but this is all they need, but if by some chance there was another permit out there and we didn't know about it it's still caught in here with a catch-all. Specifically that includes two specialized types of erosion and sediment control permits, erosion and sediment control permit number two, and erosion and sediment control permit number eleven. On Beattie and I believe Draftina we would have one more month, but on Beattie we would have to act today or by the end of this month, so

really today to either approve or deny because under the MPC there is time limits which are basically about to expire. If we don't act this would be a deemed approval. The effect of granting it would be essentially that if the applicant can meet the conditions that I just laid out in the next five years and comes back to this Board and can prove to the satisfaction of this Board and the Township they have met all these conditions they would be entitled to the land development application. Basically what it gives them is a certainty that if they follow the plan here and meet the conditions they would be entitled to get it on final. The difference between a preliminary and a final is the final conditional they wouldn't come back at all we would say you go do these things and you can act. Preliminary if you do these things come back to us and prove to our satisfaction you've done these things and move along. That's pretty much it and the plan that they've submitted satisfied the staff and satisfied the engineering, and again these are largely engineering questions. It is all of these applications that are submitted by Apex are going to be governed by the current version of the ordinance no matter what changes you make because you're always governed by the ordinance that was in place at the time that you submitted your application. Under the ordinance we have the land development it can be granted, but obviously whatever this Board does is up to you.

Mr. Sullivan – Question for you on the item 2 or condition 2 just for any other conditions that may be set forth by the Zoning Hearing Board do you have any typical items that may be a condition.

Mr. Korn – Well I think some of the things that are in here now actually I believe I know last time the site specific emergency response plan, the site control and disposal plan, I know some of those were in.

Mr. Sullivan – So they may be the same conditions.

Mr. Korn – I don't want to speculate too much. A Zoning Hearing Board can if they decide put in all kinds of conditions if they can support them. If they can then support them based on the specific conditions of the site. You can put restrictions on times of operation, hours of operations or what kind of how construction is being done to some degree. Zoning Hearing Board can do all the same but they have to be able to if it's challenged and obviously the Beattie decision has been challenged and the Draftina I would assume will be challenged. You have to be able to defend them. Really I put that in there to make it clear that the Township and the Zoning Hearing Board obviously are different bodies and actually are being asked to consider different things. However, from the purposes of, ultimately what goes forward we accept what they are asking for and we are supporting them in whatever decision they make. At the moment their decision is no and so nothing happens. If that ever changes with conditions then we support the conditions. What we're being asked to look at is not the same thing so we may end up with an answer that looks a little different but the reality is what they say we're supporting and putting in writing that is what we support.

Mr. Shula – If we were to separate the drilling if this wasn't even a drilling issue and they came in and wanted to do this development of the ground the land the way they have requested, and if there was also a request for a variance for whatever capacity and we were that was also a requirement to get it, it would really be no different correct, other than whether it was part of it, first of all we're saying it is now, but if it wasn't you could do the same thing saying all these conditions must be met prior to. The only thing is we're adding in to it what the Zoning Hearing Board has said.

Mr. Korn – Right. A lot of these conditions in fact some of these conditions the HOP permit the soil and erosion and sediment control permits are actually they are the same conditions that were on the church. Actually the church had a few other ones because if you have sewage it changes. The big one that we ordinarily if we the ability to if an applicant was coming in asking for something from the Zoning Hearing Board like a special exception or variance typically it was our policy to ask basically for the application to be tabled until that is done. We have requested that here. The applicant said no they are not willing to table it and under the MPC we can't there is no obligation for them to table it. In order to table it which is what we usually do in those situations the applicant has to sign a waiver of time. The applicant in this case doesn't want to do it they want, so you're going to have to make a decision up or down. It's certainly not preferred to have a ZHB decision as a condition, but it is not illegal in a preliminary application. If it weren't for the drilling issue and we're just evaluating this on a construction project which

from what we're looking it essentially is a construction project I think that is the only condition on there that we would have a question about. It's a big one.

Mr. Harrison – Mr. Korn's in the pending ordinance we have a noise restriction would it be out of line to ask the driller how they would plan to conform with the limitations expressed in that pending ordinance when it comes to noise.

Mr. Korn's – No I think it would be fine I mean it's in there they have to meet all the conditions of our zoning ordinance, but we could add a condition if it's the Commissioners pleasure to add they would have to submit a plan as to show how they intend to comply with that. I think that would be an appropriate condition.

Mr. Harrison – The ordinance talks about man-made for lack of a better term, a wall of sometimes a natural topographic nature of the land would provide some barrier to the sound but I know that has been an issue and certainly I think is something we should consider.

Mr. Korn's – You guys can vote and add the condition and I can add it to the resolution before Ed signs it if that's what you want. We have a couple of catch-all's in here to catch everything in the zoning ordinance but there is nothing wrong with breaking that out specifically saying we want to see evidence of how that would be complied with before.

Mr. Shula – Do we know if the Zoning Hearing Board has made that request or not.

Mr. Korn's – I do not know because of the Zoning Hearing Board has its own solicitor and has its own body so we have stayed its best to let them do their job without interference so I don't know what they've done with that specifically but we can request it.

Mr. Sullivan – Question from my standpoint when we get to final approval assuming at this point if this were approved with the conditions as stated including Mr. Harrison's addition that's fine, when it comes to final approval I'm assuming we would be expecting most of these to be taken care of including ZHB.

Mr. Korn's – Well they can't the ZHB....

Mr. Sullivan – I know that we still have a final approval have certain conditions that we.

Mr. Korn's – Yes and obviously again the Community United Methodist Church was a final approval and we did put in conditions. What we typically do with final approval on these developments is we'll typically permit if they're waiting on outside permits but we don't wait on inside we don't generally grant them if there is inside things. For instance if they haven't submitted to us an approved and we haven't signed off that the Township can do I think typically the way we've done it and the way I would like to go is not do the final then. What we've done in other cases and you don't have to do that in this case if you don't want, but in other kinds of developments is things like HOP permits and planning modules where it's not our decision whether they get it or not it's some other agencies. Then there is nothing for us to evaluate either they have the permit or they don't. We've in the past granted final approvals on those outside permits but I would recommend not doing a final approval on something like approval of the site specific emergency response plan. That should be something that should be signed-off of before this Board would have to make a decision on final approval.

Mr. Sullivan – Okay this is the one you indicated we would be at the limit for tabling just to remind everyone of that.

Mr. Korn's – Beattie is actually the one. Draftina we do have another the resolutions are identical you don't necessarily have to push it back next month if you're ready to vote but Beattie if we don't do it now will be a deemed approval.

Mr. Sullivan – And we are sure of that?

Mr. Korn's – What?

Mr. Sullivan – We are sure that is the case so that the Draftina technically still could be tabled without violating.

Mr. Kornis – We have gotten on these time waivers that are for specific times. We usually ask for open-ended time waivers the applicant has not been willing to do that they've only been given thirty or sixty days depending on the situation.

Mr. Sullivan – I just wanted to make sure the Board was clear on which was which. I'll ask for a motion to consider proposed Resolution 58 to approve, deny or table the Resolution of the Draftina Central Pad 31 preliminary land development.

Mr. Konkus – I'll make a motion to table.

Mr. Sullivan – Motion to table by Mr. Konkus is there a second to table?

Mr. Harrison – Second. Call Vote. All in favor. Motion carried.

Mr. Sullivan – The Draftina land development is tabled.

Mr. Sullivan – Item 17.

**Resolution 59/2016 – Resolution of the Township of Penn authorizing preliminary land development approval for the Beattie Central Pad 37. Property is located at emergency address 1122 Dutch Hollow Road. Property is zoned RR rural resource. Tax map #55-00-0-090, 091, 093, 155, 256 and 269.**

Mr. Sullivan – We heard Mr. Kornis who indicated the resolutions are pretty much identical including HOP. If there are no other questions on that I will ask for a motion.

Mr. Konkus – I'll make a motion to deny.

Mr. Gwynn – Second. Call Vote. All in favor.

Mr. Shula – Voting nay.

Mr. Harrison – Voting nay.

Mr. Sullivan – Three to deny. Two to approve. Motion carried.

Mr. Kornis – I will get out a letter to the applicant immediately.

**Resolution 60/2016 – Resolution of the Township of Penn authorizing an Act 537 Pennsylvania Sewage Facilities Act Plan revision for new land development for the Premier Medical Offices Plan. Property is located on Route 130, Tax Map #5-08-00-0-053. Property is zoned CC commercial corridor.**

Mr. Kornis – Dallas talked about this last week and its basically just amending the 537 plan to allow for the development. This is one of the things we approved the plan a few months ago and this is just one of the conditions.

Mr. Sullivan – Any questions? Okay hearing none is there a motion?

Mr. Harrison – Motion to approve.

Mr. Konkus – Second. Call Vote. All in favor. Motion carried.

**Resolution 61/2016 – Resolution of the Township of Penn authorizing Penn Township Civil Service Commission to utilize Bill Gamble Municipal Police Testing/Police Personnel Consultant to create a New Patrolman hire list and two officer promotion lists (One for Sergeant and Captain) for hiring at the Penn Township Police Department.**

Mr. Graziani – This resolution includes three pages that make-up Attachment A that's behind the Resolution you can get an idea of the different costs related to the testing.

Mr. Sullivan – We discussed this on Wednesday any further comments or questions? Okay. Is there a motion?

Mr. Konkus – I'll make a motion to approve.

Mr. Gwynn – Second. Call Vote. All in favor. Motion carried.

### **Township staff and Commissioners**

Mr. Fodi – This week marks the annual public works week from American Public Works Association just saying hello to them. We have a banner down at the public works garage recognizing this week.

Mr. Graziani – I'm not making this up but it's also National EMS and Police. In fact I believe not only is it police but it's also fallen peace officers as the way it was worded in 1962 when JFK signed the executive word to make that so. Public works, EMS, and Police are all being honored this week and this month nationally. Thank you to the public servants who risk their lives, and also, do all they can to make sure people don't have to risk their lives by making for safe roads. I would also like to call to your attention to a piece of paper that was in your inbox a piece of a copy an email from the Chairman of the Planning Commission. In that the Chairman specifies a number of ideas to move forward based on the conversation of May 5<sup>th</sup>, not the least of which how we would like to forward relating to consultant services. I concur with the thoughts in there and with your permission would like to begin to seek on how we might move forward on how it relates to consultant services. Certainly we have Mr. Cohen under agreement to finish the stuff he has but if we want to move forward aggressively there is a concern of the Planning Commission that we'd be better served if we looked to maybe another consultant to provide services, that wouldn't preclude Mr. Cohen from submitting, but at that stage you will be making the decision on who to move forward with. Whether it's Mr. Cohen or another consultant services it would be your call on how you would proceed.

Mr. Gwynn – That's a pretty big change this late in it isn't it?

Mr. Graziani – Well Mr. Cohen will be wrapping up on the zoning side, but what we've discussed on May 5<sup>th</sup> and that's a good question Tim, was aggressively pursuing Phase II of the zoning and the subdivision and land development ordinance. That is a lot of work and to be honest with you as Mr. Miller points out in his letter we've been frustrated with the progress and speed that we've had until now. I know Mr. Korn's has said he is concerned that we've been in pending for so long and part of that has been, quite frankly, the challenges that relate to getting the timely information back from the consultant. Phil makes that clear in his communication to the Board.

Mr. Konkus – Ball park what do you think?

Mr. Graziani – I haven't gotten that far yet but we're working within the budget you have this year.

Mr. Konkus – Sure.

Mr. Graziani – And we'll kind of keep that in mind but it would be premature for me to say something and then regret that I put a number out.

Mr. Sullivan – So most likely we'd end up doing not that it would be two separate consultants or anything but obviously Phase II of 190...

Mr. Graziani – It could be as simple as Mr. Cohen hiring a sub or demonstrating to this Board that he can timely get it done. We're not saying he's not going to be the person you choose we really only have a contract with him to finish so much.

Mr. Konkus – There is a lot at play and we need to move I agree with you.

Mr. Sullivan – Okay. The chief is in the back of the room I guess you have nothing? Okay very good thank you.

Chief Otto – No. Thank you.

Mr. Kornis – No, I'm good.

Mr. Konkus – I'm good. Thank you.

Mr. Harrison – Just to be sure you've been given approval to go initiate a search here what are we authorizing Mr. Graziani to do?

Mr. Sullivan – We didn't do anything yet.

Mr. Graziani – No, but I would like to with your permission start to put together qualification packages or ask them to submit that, again, depends on your leger however you want to do it but that's how we did it with Mr. Cohen.

Mr. Sullivan – I guess there is no harm unless we want to wait until next meeting.

Mr. Graziani – The qualification package would be who's their team and what's their billable rate.

Mr. Konkus – You are just getting fillers out there and you are not committing anything.

Mr. Harrison – Our Phase II as we've talked before if we're not going to do much to update the version six of the pending ordinance wanting to save most of the changes for Phase II as Mr. Kornis has indicated we need to be moving on that very quickly so I would urge that we don't delay on at least getting fillers out there.

Mr. Gwynn – I agree.

Mr. Harrison – To get some potential feedback from consultants that frankly could do a little better job.

Mr. Sullivan – Okay. Does anybody want to make a motion?

Mr. Kornis – Well basically if he is just going to bring you back information there is no formal action.

Mr. Sullivan – Fine let's do that it's probably going to take beyond the next meeting before you get that prepared.

Mr. Graziani – Well we want to be as quick as possible and you will be making the decisions. If it is possible that you can talk to some consultant and make a decision in June we'll try but if not it's July. You can see Mr. Miller's aggressive email he does put out some dates in there and he wants you to know that he's serious I think he wants you to know the Planning Commission is very serious about making the Commissioner's guidance in moving this out.

Mr. Kornis – And the dates in there they are aggressive but they are we can meet them and I think we should.

Mr. Harrison – Other than that Mr. Fodi do we have a time table for the in-house paving program?

Mr. Fodi – After school is let out most likely.

Mr. Graziani – You are ready to go.

Mr. Fodi – Yes.

Mr. Harrison – So you are talking around early June.

Mr. Fodi – Probably early June. Tresco is doing two of the milling jobs for us so once I do notice the awards we'll talk about scheduling him.

Mr. Harrison – The only other thing I'll just mention is we all may know or not know that the playground is going in and should be in by Memorial Day if all goes well barring inclement weather or something that sets us back. Hopefully the courts will also be completed by mid to again latest the end of June with the time table that we were given. We're looking to have that completed by then and hopefully have some good recreational activities for our residences during the summer months.

Mr. Sullivan – Wonderful.

Mr. Gwynn – I had a question for Alex. The folks from McCullough did any of that get resolved or did they set up a meeting the whole thing with the letters.

Mr. Graziani – I have not been apprised of a second step after Wednesday's meeting but I know several of them went back to meet with the developer and I haven't seen people come back to us for more clarification so maybe they are beginning to deal with him and thankfully Larry Wojcik lives in that community and seems to really inform himself about all the details and he might be one of their spoke people and save us some work.

Mr. Shula – Larry answered one of the questions on Alex's report about the park project. I had a question on the seal coating for the parking lot.

Mr. Graziani – They came in on Friday. This is something we budgeted for under the general fund as a maintenance item. We normally do about \$9,000 of maintenance at this building and we increased that to about \$13,000 for this year to accommodate us being able to do the seal coating. I requested for quotes because I didn't anticipate the price would be over the bidding thresholds. One of the bidders has given us a total price that quite frankly is a lot less than the other ones. They were all very clear on specs. I worked with Don and Scott to specify exactly how we wanted it done and it's just a matter of making sure they've got a good quote and moving forward it's about \$7,000 to do, I don't think we'll be able to do all three we'll probably end up doing two of them and it will be like 6-\$5,000 worth of work and we want to try to get that done as quickly as we can. We have not you don't even seem parking lines anymore in the parking lot.

Mr. Shula – Would they be doing that on a weekend.

Mr. Graziani – They are required to coordinate with baseball and with the Township to come up with a time that they can squeeze it in while it's a busy season.

Mrs. Perez – Alex did that price include line painting?

Mr. Graziani – Correct.

Mr. Konkus – Oh boy. Are there differences in materials that are used to spray?

Mr. Graziani – We specified the emulsion the material they use and the dual coat. A couple of them complained and said we were doing overkill but then they admitted that banks and other places would do similar. Don looked at it and we thought yes it's a lot of traffic it's a pretty heavily used parking lot.

Mr. Shula – So you're saying it's mixed thicker or better than most.

Mr. Graziani – Yes there is a parts per whatever per gallon it made sense to me but I thought I'd check with the engineer first.

Mr. Shula – How do you validate such a thing is there a way to check the mix when they do it or do you just have to go by their integrity when they are doing it.

Mr. Graziani – Pretty much.

Mr. Fodi – They might buy the pre-formulated mixes and put in their hopper. The pound per mix includes sand right, so they know how many gallons of material they are putting in the bin is how much pound per sand they are doing too.

Mr. Graziani – That's a good question Jeff I don't know.

Mr. Konkus – So it's a mix then some kind of oil compound with sand?

Mr. Fodi – Emulsion of certain level quality yes.

Mr. Konkus – Will there be any sealing of cracks or anything out there beforehand or this will...

Mr. Fodi – I forget are we to do that for you Alex or is that part of the contract.

Mr. Graziani – We did require them to provide a price for seal cracking but we anticipate the heavy repairs to be done by you.

Mr. Fodi – We are going to do the prep work.

Mr. Graziani – We are going to street sweep it, clean it, edge it, do all the patch work that we feel we need to get done and crack seal then they will come in over top of that and clean it and then remove stains and then go and any sealing maybe small ones that have occurred because of that process before they put the sealant down.

Mr. Shula – I only ask because I always wondered myself how you validate whether even if someone is doing it for private residents what's in it and how much is water or whatever else it might you can't tell maybe a year later you may but not initially. That's the only reason I asked.

Mr. Sullivan – There are contractors that apply manufactured products they are certified or licensed to like Seal Master like the material and there is contractors that apply that.

Mr. Graziani – Jeff I would be happy to go through them with you and we can take a look at what they are saying and maybe think of something based on what they've submitted to us.

Mr. Shula – I don't know the only way I would ever be able to validate that is contact somebody that I've known in the business that maybe wasn't involved and get their opinion.

Mr. Graziani – Like for example references did their job hold up.

Mr. Shula – Mostly to find out if there is a way to validate that mix can you see something and tell someone who is in the business who knows the ins and outs that I would not know. A consultant that could give me some advice. I could probably ask them.

Mr. Harrison – Don would you have any info or knowledge.

Mr. Black – A lot of it is the eye test. You put a specification they are supposed to meet it I mean they are professionals and I think if they didn't meet it and you saw what they put down you would be able to tell it's not thick enough. Certainly and inspector who's inspected that one of our paving inspectors could tell just by looking at it. Like hey you don't have the proper material let me see your slips. You could ask the contractor to provide the slips of the mix that he's putting in to validate the mix.

Mr. Shula – That makes sense if you can only because I was...

Mr. Black – Then you have them on record of what he put down.

Mr. Shula – And if they are doing what they are supposed to they should have no reason not to provide you with that information. If they do not want to then there may be some issue. If there is some way we can do that it may be a good fail-safe to do it.

Mr. Kornis – Once we adjourn to have an executive session.

Mr. Sullivan – Two things. On Martha you guys have to excavate that pipe.

Mr. Fodi – We had to replace the dredging was actually going uphill so we're having a water problem back on Nancy Drive and since we're milling and overlaying Martha the crew suggested we replace that pipe under there so we don't tear up our road. The pipe was over 40 or 50 years old it was worn out.

Mr. Sullivan – I saw the excavator down there for a few days.

Mr. Fodi – We replaced that pipe in anticipation of the whole road being milled overlay but we also if you look upstream there was a resident where water was ponding behind their property and never getting down to the inlet. There is only two foot of fall over twenty feet may be so we re-dredged it just to get that to fall.

Mr. Sullivan – We know that whole trench all the way from the dam down these need looked at some point.

Mr. Fodi – If you look uphill it's nice and green and moving and you looked there and it was a bog and below was bone dry.

Mr. Sullivan – The only other thing that its Rec and combo signage Larry do you have an update. I know when we have our Recreation Board meeting it's probably going to come up again as it has in the past few months about signage.

Mr. Harrison – We have a committee that's supposed to be meeting with Alex to discuss signage.

Mr. Graziani – We've done a couple of things. Jessica has actually worked on one of the parts of the project which are to identify all the ones with the code language on it and begin to match the new code language that we have with what the old language is. The second thing is I've begun to work with Rich Rausso and I am incurring some small expenses to help us put together a sign package based on the elements that he's already done and kind of the elements we haven't touched or missed. So then we have a proposal to the Rec Board the good, the bad, the ugly to keep the new and all of that. What you've approved tonight some of that could be coming the Rec Board could be purchasing for instance Chemung their sign product to replace. As many of you know we don't even have a sign that tells you where the Dog Park is. We need a sign kind of plan for the park to identify things and get these moving along.

Mr. Harrison – How about the No Smoking or Tobacco Free Park? I know we have the signs are we going to get them up?

Mr. Graziani – Again that's we are trying to figure out where they are going to be placed and actually we are going to order a few more because PTAA is interested in mounting them on the dugouts or the signs so the spectators who are at the gates can see that.

Mr. Harrison – Well let's get the ones up that we have I think we've got twenty or so let's not wait until summer is over before we get those up.

Mr. Graziani – Yes sir.

Mr. Sullivan – I have nothing else so is there a motion to adjourn which we will retire for an executive session.

Mr. Gwynn – Motion to adjourn.

Mr. Sullivan adjourned the regular meeting of the Penn Township Board of Commissioners.

Respectfully submitted,

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Mr. Alexander Graziani, Township Secretary

Transcribed by: Jeanann Greer, Administrative Assistant Community Development Department