

This meeting called to order by Mr. Jeffrey Shula, Chairman of the Board. Board members present were Mr. Larry Harrison, Mr. Timothy Gwynn and Mr. Charles Konkus. Also present were Mr. Michael Korn, Solicitor, Mr. Donald Black, EADS Engineers, Mr. Alexander Graziani, Manager, Mrs. Mary Perez, Finance Director, Mr. William Roberts, Community Development, and Chief John Otto.

Moment of Silence.

Pledge of Allegiance.

Solicit from staff or Commissioners any unlisted agenda items. (Noted that there were additional items added to the agenda from number 21 to number 27).

Public Comment:

Subject to provisions of Resolution 68/2013:

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

Lisa Messineo – I live at 102 Hunter Trail, Harrison City. Okay I'm here once again to express my concern and disappointment and the lack of action and seeming lack of much concern for the water management in Ward 3 specifically Hyland Road. There have been an increasing number of 100 year storms with recurrence flooding on Hyland. The storm drains are not managing the water at all. There are only two storm drains between Hyland and Seanor. They are not managing the water there is repeated standing water at the bottom of Hyland before you make the turn onto Waugaman and as you turn up to go to Seanor the road is actually eroded there is no longer a berm on the right hand side for a portion of the road. A lot of people walk and run through there, people drive way too fast through there I can't tell you how many times I have been forced into several inches of standing on the side of the road which has crumbled away because there is nowhere for me to walk in the area. When I relayed a story about several months ago when I called the township both of the storm drains were completely covered absolutely and utterly cluttered with debris during heavy rains which was only exasperating the problem. I called the township, I know it's a state road but I called the township and I said listen, can the road crew clean these drains off. I was told they know about it they've been asked but we cannot force them to do it because it is a state road. They told me my best bet was I need as a citizen to call the state. The township was not going to do anything, to call the state to manage the storm drains I needed to call the state. I asked if it would helpful if I called Mr. Dunbar's office and I was told that's your best bet. So I did. I called George Dunbar's office and within a couple of days the storm drains were cleaned up. That is not at all acceptable. According to the article in the Penn Trafford Star, Commissioner Jeff Shula said he has no interest in taking ownership of Hyland Road and assuming maintenance costs. Where does that leave us? Mr. Konkus said, I don't want to ignore the flooding in these people's properties, but where does that leave us? Mr. Korn, Township Solicitor, cautioned that the Township Code prohibits spending public money on private property unless it is repairing problems caused by the Municipalities infrastructure. Well the infrastructure has certainly contributed to this because those storm drains are there for a very long period of time long before there was this much development in there and they are not made to handle what's happening now. I want to know where does that leave Ward 3 and if you don't want to take over maintenance from the state is someone going to do something to make the state come in and take care of this road. When it floods I can't get through there and I'm tired of it, over the last ten years since I moved in it's happened three times where the road had to be closed where there were several feet of standing water down there. It really needs to be taken care of. Thank you.

Mr. Konkus asked who she spoke with at the township. She noted it was Mr. Fodi. Mr. Konkus noted his quote from the newspaper was out of disgust and throwing his hands in the air because he is would like to see the turn-back of Hyland Road. His comment was, the people have flooding, and how are we going to deal with it. He noted he is Ward 3 Commissioner and he wants these issues fixed on Hyland. He noted he has not put it on the wayside.

Ms. Messineo noted she should not have to call every time about a problem. If the township does not want to take Hyland Road then the township should be involved in the getting the state to fix the road. Mr. Konkus noted they are working on this problem.

Special Announcement:

Mr. Korn noted an executive session was conducted at the conclusion of the May 8th caucus meeting which stated at 9:10 p.m. and concluded at 10:10 p.m. in which he attended and was done in accordance with the provisions of the Pennsylvania Sunshine Act. The session was dealing with personnel matters.

An executive session was also held prior to this meeting from 6:00 p.m. until 7:00 p.m. also complied with the Pennsylvania Sunshine Act as it was dealing with personnel matters.

Minutes from the previous April meetings were approved as presented.

Special Action Item:

By simple motion nominate an individual to fill the Penn Township Ward 2 Vacancy until December 31, 2019.

Mr. Harrison made a motion to table the action and move to the Vacancy Board for later discussion and approval.

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

Mr. Konkus - Under the First Class Township Code the Board of Commissioners have (30) days from the acceptance of the resignation to appoint a person if they chose. If they do not appoint a person within the (30) period which expires Friday, May 17th there is a following procedure where the Township Vacancy Board is activated. The Township Vacancy Board is made up of the (4) Commissioners as well as the Chairman of the Vacancy Board who was appointed in January which is Mr. Charles Horvat who was present. That period will be (15) days from this Friday they will call a meeting with the Vacancy Board which will be advertised. I will coordinate with Mr. Horvat on advertising. That Board will then have the ability to appoint a person to fill that seat. If for whatever reason that Board is unable to reach a decision or chooses not to then the next step is the Court of Common Pleas. With the action that was taken which is to bring in the Vacancy Board which is laid out as the next step under the Township Code.

Township Reports:

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

The Police Department's Report was accepted as presented (attached hereto and made part of)

Public Works Department Report was accepted as presented (attached hereto and made part of)

Approval of bills to be paid:

Mr. Shula - I have some questions. Department of Public Works has Mr. Fodi's phone been turned back into the Township?

Mrs. Perez - Mr. Fodi had his own phone which was included on the payment schedule.

Mr. Shula - The DTNLLC weather service?

Mrs. Perez - That's a weather service that's used I know we pay that annually.

Mr. Graziani - Going back at least (10) years which is something they had prior to my working here. It's a unique weather service we subscribe to they provide radar for the public works department. As apps and systems have improved if you are not wanting to subscribe to this I think it would be fine. He noted last year public works purchased a Weather Station and also one was purchased for the Municipal Building which was approximately \$200 each. The station gives real-time weather as well as linked into different systems.

Mr. Shula - Does anyone use this service?

Mr. Graziani - Yes they do they have a dedicated monitor for the service. There is also a dedicated monitor to the weather station and anyone can pull up the weather on their phones. Ten years ago this was the only service.

Mr. Shula - So we don't have to renew this, do we want to check with Mr. Lamacz first.

Mr. Graziani - I'm sure Tom would be fine with not continuing.

Mr. Harrison noted this bill is approximately \$2,000.

Mrs. Perez – I would talk to Tom first to make sure he is okay with it. I agree there is a lot more information out there, but that was signed off on by Mr. Fodi, you might want to check with him.

Mr. Shula asked about the public works bill for \$739 for gloves and safety glasses. Mrs. Perez noted they possibly purchase once a year and summer help also is in need of these safety coverings.

Mr. Shula noted reimbursement for damage done on the Bobcat which occurred on Sunbirch Drive. He asked about Pictrominy aerial review under Planning and Engineering. Mr. Graziani noted it is a subscription with the County for flyovers which is needed for planning and engineering and public works within the township. Mr. Roberts noted code enforcement uses this subscription a lot as it is timed which helps when going before the magistrate.

Mr. Shula asked about a police bill for removing hot water tank, change pressure reducing valve for \$3,000. Chief Otto noted this was at the police station. The main pressure valve put pressure into the station and blew the tank.

Mr. Shula noted the bills for EADS from the prior month will be paid also. Mrs. Perez noted that is correct.

Acknowledgement of Township Reports:

Community Development Report was accepted as presented. Mr. Shula asked about the Blackthorn Club House. Mr. Roberts noted they are under a “stop work order”. He noted there is site development work at Kistler’s range where Mr. Snoznik has begun work for the new development. He noted the site work that will be taking place for Dollar General on Route 130 and Baker School Road.

Engineer’s Report was accepted as presented. Mr. Black noted they will be going over the awarding of the paving program and seal coating program.

Finance Director Report was accepted as presented.

Secretary/Manager Report was accepted as presented.

Emergency Management Coordinator Report was accepted as presented.

Ordinance 929/2019 – Ordinance of the Township of Penn approving additions to Article VI, Supplemental Regulations in the 190 zoning section of the Township Code which would contain additional building standards applicable to the Commercial Corridor zoning district

Mr. Kornis noted again this has been before the Planning Commission and met the Municipal Planning Code, was sent to County Planning Department and a Public Hearing was held prior to the regular meeting. All requirements have been met and are not ready for a vote and formal adoption.

Mr. Konkus made a motion to approve.

Mr. Gwynn – Second.

Roll Call Vote

Mr. Harrison – Yes.

Mr. Gwynn – Yes.

Mr. Konkus – Yes.

Mr. Shula – Yes.

Resolution 42/2019 – Resolution of the Township of Penn encouraging the Pennsylvania House and Senate to amend the right to know law and provide relief from vexatious requesters

Mr. Konkus – Motion to approve.

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

Resolution 43/2019 – Resolution of the Township of Penn accepting Public Works Director Scot Fodi’s resignation effective May 7, 2019

Mr. Konkus – Motion to approve.

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

Resolution 44/2019 – Resolution of the Township of Penn hiring summer intern for Administration and Community Development

Mr. Graziani noted there is an individual Lindsay Johnson who attends the University of Delaware majoring in engineering. She is working towards her Bachelors of Environmental Engineering with minor in History. After interviewing four total individuals it was noted this candidate seems the best to meet the needs.

Mr. Harrison – Motion to hire Lindsay Johnson for summer intern.

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

Resolution 45/2019 – Resolution of the Township of Penn approving a reduction request of securities held for the Lorien Plan of Lots located along Koter Drive. Per the enforce Developers Agreement signed and dated January 19, 2016 the original amount required and currently held is \$141,378.55. The request is for a reduction of \$116,621.35 leaving a remaining security balance of \$24,757.20 to be held until time of storm pond conversion and adoption

Mr. Gwynn – Motion to approve.

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

Resolution 46/2019 amending Resolution 40/2019 – Resolution of the Township of Penn adding and removing names from the hire list for temporary summer workers for Public Works

Mr. Harrison – Motion to approve.

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

Consider a simple motion authorizing the acceptance of Penn Township 2019 Paving Program as provided by Tresco Paving Company at bid amount of \$712,710.38.

Mr. Harrison asked again about the delay that takes place with the Public Works employees when trying to get hot patch from Tresco. He asked again about the Public Works Department being able to go to Adamsburg to pick-up small amount for pot hole patching. He asked if this authorization to Tresco means the Township will need to secure all materials from Tresco or is this just a motion for paving of roads in the Township to be completed by Tresco.

Mr. Graziani noted item 20 on the agenda notes the asphalt commodities bid and the understanding is the materials would be purchased through the commodities bid.

Mr. Harrison asked does that mean the Township has to receive material from Tresco, while the price may be lower the overall cost of waste in labor may be higher. He asked for an option to look at other suppliers for the materials.

Mr. Shula asked Mr. Korn to address this question when it comes up on the agenda.

Mr. Konkus – Motion to accept the 2019 Paving Program by Tresco Paving Company in the amount of \$712,710.38.

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

Consider a simple motion authorizing the acceptance of Penn Township 2019 Seal Coating Program bid provided by Russell Standard for \$130,127.50.

Mr. Konkus – I'll make a motion to authorize accepting the Penn Township 2019-2020 Seal Coating Program as provided by Russell Standard in the amount of \$130,127.50.

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

Consider a simple motion authorizing the acceptance of Penn Township 2019-2020 Public Works Commodities Bid.

Mr. Graziani noted Hanson submitted prices from the Adamsburg Plant. They submitted a bid along with Tresco. We've discussed whether CoStars or how else the Township could get commodities. He noted the (5) bids submitted for the (5) commodities. He noted they do not provide the asphalt tack with truck operator. He asked Mr. Kornis if entities use the CoStars Program to buy asphalt which could possibly permit the Adamsburg Plant to be purchased from on certain days as Mr. Harrison is questioning.

Mr. Kornis stated they put out the bid and they received the lowest qualified bidder. You could calculate it a different way, but there would need to be actual numbers. If you make an argument the lowest bid is not the lowest bid you can't just say it, there would be a need to support with numbers calculated as to how long it takes to make the trips and what the costs are and be able to justify it. He noted a bid was put out. Numbers were received in the bid and there is not a substantial different in price. He noted at this point they Board needs to accept the lowest qualified bid. In the future they would need to look at putting out a bid differently.

Mr. Graziani - I placed them on the agenda to simplify. For example if a motion was made for aggregates you would refer to it and not have to read everything out.

Mr. Shula - Aggregates: Bullskin Stone and Lime, LLC has the lowest bid for aggregates. Tresco Paving Company has the lowest bids for asphalt materials. Russell Standard Corporation has the lowest bids for asphalt tack with truck operator. Stormwater piping and inlets lowest bid is from Pleasant Unity Supply, Inc.

Mr. Harrison made a motion to approve all low bidders as Mr. Shula noted above concerning the commodities bids for Penn Township Public Works Department.

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

Simple motion to accept the draft Consent Order and Agreement as entered into by and between Commonwealth of Pennsylvania Department of Environmental Protection and Franklin Municipal Sanitary Authority, Borough of Export, Borough of Delmont, Salem Township, Penn Township Sewage Authority, Monroeville Municipal Authority, Municipality of Murrysville, Penn Township and the Municipality of Monroeville.

Mr. Kornis noted this was not placed on the caucus agenda. Between the municipal entities as listed is a consent order proposed by Pennsylvania Department of Environmental Protection regarding overflow issues in the Franklin Township Municipal Sanitary Authority which services a portion of Penn Township. The representatives from various bodies of the groups have been meeting together along with DEP to come up with a draft which would be fair and acceptable to all parties. There was a meeting Monday and some of the Solicitors to try and work things out which produced the draft. Asking all municipal entities to authorize the proposed to send to DEP. Other entities are or have presented to their Boards and solicitors are recommending the Boards sign the agreement. Mr. Kornis noted he is asking for a motion to authorize himself to forward the signed draft to the DEP stating the Board of Commissioners is in agreement with the draft.

Mr. Kornis - The portion of the Township serviced by Franklin Municipal Sewage Authority is currently under tap restriction as is the entire municipality of Murrysville. Ultimately once a consent order has been agreed to by DEP the Township can then start requesting taps. If DEP accepts the consent agreement its good, if not, they may need to make additional changes.

Mr. Shula asked for a motion to accept the draft consent order and agreement.

Mr. Konkus - I'll make that motion.

Mr. Harrison - Second. Call Vote. All in favor. Mr. Shula Abstains. He noted he owns a development which is serviced by FTMSA. Motion carried.

Simple motion to approve a mutual release agreement between Penn Crossing Limited and RM20 Holdings, on one hand, and the Township of Penn pertaining to issues related to Village Drive Extension.

Mr. Kornis - The language came in late today and I didn't want to wait until next month. This is a simple release of liability between all parties. There was a dispute between two parties related to a

development in the Township. The parties have reached a resolution concerning this. Asking the Township to authorize release of security. He noted he placed a release on "all" parties.

Mr. Roberts noted the Township is not holding any securities. The securities are held between those two entities.

Mr. Kornis - The Developers Agreement requires Township approval for the security to be released. He noted the Township is only involved due to the language of the agreement stated the Township must sign off. I never like to give any types of approval without two releases.

Mr. Graziani - The dispute between the two parties will eventually be a roadway owned by the Township. We had concerns and were monitoring but did not want to be pulled into their dispute. Village Drive Extension hopefully will be properly backfilled and put into a position when future building occurs and will be ready to be accepted by Penn Township for maintenance.

Mr. Gwynn - Motion to approve the release agreement.

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

Simple motion to the purchase of 20 Microsoft Surface Pro 5 units, cases and keyboards through Source, Inc. under US General Services Administration schedule 70, contract #GS-35F-0143R in the amount of \$24,730.12 from Capital Reserve Fund.

Mr. Konkus - Motion to approve 20 Microsoft Surface Pro.

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

Simple motion to purchase and installation of rugged cradles, mounting systems, telescoping poles, installation supplies and labor to mount the Surface Pros in the police vehicles through Team Force, Inc. under PA CoStars contract 012-111 in the amount of \$24,961.95 from the Capital Reserve fund.

Mr. Konkus made a motion to approve the purchase.

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

Simple motion to purchase, maintenance service and training from OnPatrol software for use on the Surface Pro tables through Informant Technologies in the amount of \$44,720.00 which includes \$1,920.00 for barcode scanners from the Capital Reserve Fund.

Mr. Konkus made a motion to purchase the maintenance service and training from OnPatrol.

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

Simple motion the purchase of Informant Evidence Manager, maintenance service and hardware through Informant Technologies in the amount of \$5,000.00 from the Capital Reserve Fund.

Mr. Konkus - I make the motion to approve.

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

Simple motion for lease for (2) copy machines to be located at the Municipal Building and Police Building.

Mr. Harrison made a motion to approve the recommendation of Mrs. Perez, Finance Director concerning the leasing of (2) copy machines from CCAC Solutions.

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

Discussion Items:

Mrs. Perez thanked the Board for approvals concerning the purchasing of devices to be used in police vehicles.

Mr. Roberts thanked the Board for approving the language for the ordinance for the Supplemental Regulations in 190 Zoning Section of Township Code for Performance Standards in the Commercial Corridors. He also noted meeting Friday with discussion and a tour of Township with new consultant who will be helping with the update of the Comprehensive Plan.

Chief Otto thanked the Commissioners for the purchase of the new equipment.

Mr. Graziani thanked Mrs. Perez and her work with the pricing of the computers. Also the meeting with Mackin who is the consultant working on update of the Comp Plan. He invited the Commissioners to attend. He hopes the Commissioners will be voting with the contact hiring this firm. He also noted the CEO of the Turnpike Commission will be in Penn Township June 13th speaking at Westmoreland County Chamber of Commerce monthly luncheon at Westmoreland Country Club. He noted the importance of Township presence so that CEO Mark Compton will see the value and support in the community for a turnpike interchange. Also a representative for the PA Turnpike Commission will be attending. He noted to attend the cost is \$25.00 per ticket.

Mr. Harrison - He noted a small detention pond near Carmella Drive which has not been effective in helping to hold back stormwater runoff. Public Works Department cleaned this area out in hopes of making it more of a retention pond than a detention pond. He noted they are waiting on plans from engineers to capture the water into the retention pond and change the orifice and this will hold back some of the water that now is streaming down onto Long and Concord and on to Hyland. He hopes by doing so this will help in the matter of flooding on Hyland.

Mr. Graziani noted there are approximately (10) hours left of engineering to finish up that project. He asked if the Board was in support EADS using those (10) hours to complete the drawings. An easement may be needed from a property owner. Mr. Harrison noted he would like this to take place.

Mr. Gwynn asked the Chief about complaints on speeding on Rizzi Drive. He noted 111 Rizzi Drive property owner noted they would like the police to sit in their driveway to help with this problem.

Mr. Konkus thanked the Commissioners for the purchase of computers for the police department.

Mr. Shula thanked the Department heads for their continued hard work. He wished all a good Memorial Day and thanked all who served our Country. He noted the Board will adjourn to executive session.

Respectfully adjourned and submitted,

Mr. Alexander Graziani, Township Secretary

Transcribed by: Jeanann Greer, Administrative Assistant Community Development Department