

The West Deer Township Board of Supervisors held a Public Hearing and their Regular Business Meeting at the West Deer Township Municipal Building. Members present: Jeffrey D. Fleming, Chairman; Richard W. DiSanti, Jr., Rick W. Florentine, Leonard Guerre, Shirley Hollibaugh, and Joyce A. Romig. Member absent: Gerry Vaerewyck. Also present were: Daniel J. Mator, Jr., Township Manager; Barbara Nardis, Finance Officer; Douglas Happel, representing Griffith, McCague, & Wallace; and Scott Shoup, representing Shoup Engineering.

6:00 p.m. PUBLIC HEARING: INTER-MUNICIPAL TRANSFER OF RESTAURANT LIQUOR LICENSE

- Chairman Fleming opened the public hearing
- Pledge of Allegiance
- Roll call taken by Mr. Mator – Quorum present (Note: Supervisor Hollibaugh was not present for the Public Hearing)
- Court Reporter present
- The public hearing was advertised in compliance with the Law
- Property posted
- Adjoining property owners notified via mail

Pursuant to Section 461 of the Pennsylvania Liquor Code, the Board of Supervisors of West Deer Township held this hearing to: accept public comment on the proposed inter-municipal transfer of a restaurant liquor license from Franklin Park Borough to Olde Barn Dispensary Pub & Tavern, LLC, 4551 Gibsonia Road, Gibsonia, PA, West Deer Township; to vote on the proposed restaurant liquor license transfer; and to hear all other lawful matters which may come before the Board.

RESOLUTION NO. 2017-7

A RESOLUTION OF WEST DEER TOWNSHIP, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, APPROVING THE TRANSFER OF RESTAURANT LIQUOR LICENSE R-17074 INTO WEST DEER TOWNSHIP FROM FRANKLIN PARK BOROUGH.

The floor was opened for public comment. Chairman Fleming asked all those who are interested in speaking to please rise and be sworn-in. The court reporter swore-in all those individuals.

Ms. Holly Guna, Caputo & Caputo, P.C., was present on behalf of the applicant, Olde Barn Dispensary Pub & Tavern, LLC. She explained the transfer process of the liquor license and presented a brief summary of the restaurant.

Both Mr. Sean Fitzpatrick, the manager, and Mr. Albert Eiler, the property owner, were present and answered various questions by the Board.

A preliminary plan was distributed to the Board and Mr. Fitzpatrick explained the restaurant as being a family “hometown place.”

PUBLIC COMMENTS:

- Mrs. Leslie Spuhler, Christonia Road
 - Mrs. Spuhler expressed her concerns regarding the zoning, noise regulations, traffic, parking, loading, delivering, trash, rodents, and lights.

Mr. Payne, Code Enforcement Officer, explained the SU/Special Use Zoning District requirements, and it was also pointed out that the business will be monitored by the Allegheny County Health Department and Liquor Control Board.

- Mr. Charles Spuhler, Christonia Road
 - Mr. Spuhler commented on the building (half is the fitness center and half will be the restaurant), and indicated the restaurant was never brought up at the time the fitness center was approved.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Florentine to adopt Resolution No. 2017-7 to authorize the transfer of Restaurant Liquor License R-17074 into West Deer Township from Franklin Park Borough. Members voting yes, Dr. DiSanti, Mr. Florentine, Mrs. Romig, and Mr. Fleming. Member abstaining, Mr. Guerre. Motion carried 4 – yes, 0 – no, and 1 – abstention.

ADJOURNMENT/PUBLIC HEARING

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Guerre to adjourn the public hearing. Motion carried unanimously 5-0. Public hearing adjourned.

OPEN REGULAR MEETING

Chairman Fleming opened and welcomed everyone to the meeting.

PLEDGE OF ALLEGIANCE

Roll Call taken by Mr. Mator – Quorum present – Mrs. Hollibaugh was present for the Regular Meeting.

Mr. Happel announced the Board held an Executive Session at 5:30 p.m. to discuss the procedures to follow in regard to the McIntyre Heights PRD.

REGISTERED COMMENTS FROM THE PUBLIC

- None

COMMENTS FROM THE PUBLIC

Chairman Fleming asked if there were any comments at this time on the agenda and public-related items and if so, asked the public to please approach the microphone, clearly state their name and address, and limit their comments to five (5) minutes.

- Mr. Scott Woloszyk, Shuster Road
 - Mr. Woloszyk reported the West Deer Clean-Up Days were rained out, and announced the Clean-Up Day will be possibly rescheduled sometime during the autumn/fall months. He thanked the Board for their continued support.

ACCEPT MINUTES

MOTION BY Supervisor Guerre and SECONDED BY Supervisor Hollibaugh to accept the minutes of the 19 April 2017 meeting as presented. Motion carried unanimously 6-0.

MONTHLY FINANCIAL REPORT

Mrs. Nardis read the following Finance Officer's Report.

TOWNSHIP OF WEST DEER
FINANCE OFFICER'S REPORT
30 April 2017

I - GENERAL FUND:

	<u>April</u>	<u>YTD</u>	<u>% of Budget</u>
Revenues	1,172,895.15	2,471,172.07	40.35%
Expenditures	237,470.75	1,161,568.56`	18.97%

Cash and Cash Equivalents:

Sweep Account

1,466,431.81

1,466,431.81**II - SPECIAL REVENUE FUNDS****Cash and Cash Equivalents:****Street Light Fund:**

Sweep Account - Restricted

17,920.40

Fire Tax Fund:

Sweep Account - Restricted

78,510.51

State/Liquid Fuels Fund:

Sweep Account - Restricted

251,436.00

347,866.91**Investments:****Operating Reserve Fund:**

Sweep Account - Reserved

704,450.78

Capital Reserve Fund:

Sweep Account - Reserved

346,286.95

1,050,737.73**III - CAPITAL PROJECT FUNDS:****Cash and Cash Equivalents:**

0.00

0.00**TOTAL CASH BALANCE 4/30/17**2,865,036.45**Interest Earned April 2017****191.93**

MOTION BY Supervisor Guerre and SECONDED BY Supervisor Florentine to approve the Finance Officer's Report as submitted. Motion carried unanimously 6-0.

LIST OF BILLS

Amerikohl Aggregates Inc.....	1494.72
Amerikohl Transport Inc.	1136.91
Best Wholesale Tire Co., Inc.....	649.33
Beth’s Barricades	40.00
General Code	1195.00
Hampton Concrete Products Inc.....	326.00
Hei-Way, LLC.....	2413.14
Intech Worldwide	3495.00
Jordan Tax Service, Inc.	1817.91
Kress Tire	82.00
Krigger & Co.....	17.94
Shoup Engineering Inc.	2494.00
Staley Communications.....	172.47
Toshiba Financial Services.....	606.17

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Hollibaugh to pay the List of Bills as submitted, and all approved reimbursable items in compliance with generally accepted accounting practices. Motion carried unanimously 6-0.

UTILITIES AND PAYROLL

MOTION BY Supervisor Guerre and SECONDED BY Supervisor Romig to pay utilities and payroll from 20 April 2017 to 17 May 2017. Motion carried unanimously 6-0.

TAX REFUNDS

The Board is in receipt of the list from the Tax Collector requesting the issuance of a real estate tax refund due to an assessment change by Allegheny County for the Year 2016:

2017 REAL ESTATE TAX REFUND

<u>NAME</u>	<u>LOT/BLOCK</u>	<u>AMOUNT</u>
Artistic Management Group LLC	1362-E-79	\$60.65

MOTION BY Supervisor Florentine and SECONDED BY Supervisor Hollibaugh to issue the tax refund as submitted by the Tax Collector. Motion carried unanimously 6-0.

POLICE CHIEF’S REPORT

Chief Jon Lape was present and provided a summary report on the Police Department for the month of April 2017. A copy of the report is on file at the Township. Questions/comments followed.

BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER’S REPORT

Mr. Bill Payne was present and provided a summary report on Code Enforcement for the month of April 2017. A copy of the report is on file at the Township. Questions/comments followed.

PARKS AND RECREATION BOARD REPORT

Mrs. Beverly Jordan, Chairwoman, was present and provided a summary report on the Parks and Recreation Board:

- Meeting held 26 April 2017
- Easter Egg Hunt: 225 children in attendance
- 80's in the Park: June 16th
- Senior Citizen Luncheon: May 25th
- Mrs. Jordan reported she was approached by some residents who are interested in a dog park at Bairdford Park

ENGINEER'S REPORT

The Board received the Engineer's Report submitted by Shoup Engineering, Inc. Mr. Scott Shoup represented Shoup Engineering, Inc., and summarized the meeting attendance and details of his formal report:

Projects

- 2017 Road Improvement Project
 - Contracts have been executed with Shields Asphalt Paving and Youngblood Paving. Shields Asphalt has completed milling and paving operations on all streets except for Benjamin Street which will occur following the bridge deck replacement.
- Nike Site Closure/Shoring Project
 - DeFrank Development has completed work on this project.
- Benjamin Street Bridge Deck Replacement Project
 - An update will be provided at the Board of Supervisors meeting as to the schedule for this work.
- Senior Center Wall
 - Tim Broge has completed the work on the Senior Center entrance wall.
- MS4 Permitting
 - An application for renewal will be submitted to PA DEP in September 2017. A Pollution Reduction Plan is being prepared to reduce stream sediment loading in conjunction with this project.

Development/Subdivision Reviews

- McIntyre Heights PRD
 - Reviews of this preliminary PRD Plan were performed and review letters were issued to the Township on 23 February 2017 and 23 March 2017.

MCINTYRE HEIGHTS PRD CONDITIONAL USE

On 19 April 2017 the Board held a public hearing for tentative approval for a conditional use for a Planned Residential Development (PRD) for Richland Holdings, LLC to construct 35 single family patio homes and 34 duplex units on 38.7 acres located at McIntyre Road, Gibsonia, PA 15044.

The Planning Commission recommended approval for the conditional use / PRD at their 23 March 2017 meeting with the following conditions:

1. Recommend approval with ten feet side yard setbacks
2. Recommend departure on cul-de-sac length due to topography and parcel shape
3. Recommend 6,000 sq. ft. vs. 21,780 sq. ft. lot area
4. Recommend departure requirement for guest parking. (See Engineering review letter, Item #2, dated 23 March 2017)
5. Submit covenants and Home Owner's Association (HOA) documentation to Township Solicitor
6. 40% of lots to have variations of up to five feet in front yard setback
7. Recommend pavilion and picnic area

Mr. Happel pointed out the Board held a public hearing on 19 April 2017 and the public hearing was closed and adjourned. The law requires the Board either grant tentative approval of the conditional use, grant the tentative approval with conditions, or deny the tentative approval of the conditional use.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Romig to deny the tentative approval of the conditional use of the McIntyre Heights Planned Residential Development. Motion carried unanimously to deny 6-0.

Mr. Happel stated the application for tentative approval of the McIntyre Heights Planned Residential Develop Plan has been denied and a follow-up with a set of Findings and Conclusions will be sent to the Developer within the required period of time as set by the statute.

A short discussion was held.

BIDS: NIKE SITE PARK PARKING LOT PROJECT

Sealed bids were received and opened on 16 May 2017 for the Nike Site Park Parking Lot Project. The work will consist of the following:

- Base Bid: Construction of a new asphalt parking lot approximately 9,600 SY in area.
- Alternate Bid: Construction of a new hot mix asphalt driveway and parking lot approximately 4,000 SY in area.

Work will also include milling, earthwork, installation of storm sewers and inlets, line striping and other miscellaneous work.

<u>BIDDERS</u>	<u>BASE BID</u>	<u>ALTERNATE BID</u>
1) Martino, Inc.	\$327,658.00	\$122,079.00
2) Shields Asphalt Paving	\$330,272.33	\$163,039.97
3) Protech Asphalt Maint., Inc.	\$385,647.00	\$165,564.20
4) Peter J. Caruso & Sons, Inc.	\$393,708.10	\$166,082.50
5) Fulena, Inc.	\$426,135.00	\$180,775.60
6) Michael Facchiano Contracting	\$430,614.50	\$185,381.50

Mr. Shoup explained the project and the bids received. He then recommended Martino, Inc., to the Board as being the lowest responsible bidder.

Mr. Shoup also indicated the Township will use the asphalt millings from the paving project for the stone work, and that the project does not include backfilling and landscaping.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Florentine to award the Base Bid of \$327,658.00 and Alternate Bid of \$122,079.00 Nike Site Park Parking Lot Project to Martino, Inc. Motion carried unanimously 6-0. Total amount: \$449,737.00

CHANGE ORDER NO. 1: NIKE SITE CLOSURE/SHORING

The Board received a copy of Change Order No. 1 for the Nike Site Closure/Shoring Project. The Change Order is for existing curbing around the silo doors that had to be replaced and for additional stone for backfilling that was in excess of the contract amount.

The additional payment to DeFrank Development, Inc. will be \$4,656.00.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Hollibaugh to accept Change Order No. 1 for the Nike Site Closure/Shoring Project in the amount of \$4,656.00. Motion carried unanimously 6-0.

AUTHORIZE ADVERTISEMENT: SALE OF POLICE VEHICLE

The Chief requested the Board to authorize the advertisement for the sale of the following police vehicle:

2011 Ford Crown Victoria Police Interceptor
4.6 Liter V8 Automatic Transmission
Color: White
Approximately: 110,000 miles
Inspection Expires: May of 2018
AS IS CONDITION

MOTION BY Supervisor Guerre and SECONDED BY Supervisor DiSanti to authorize the advertisement for the sale of the 2011 Ford Crown Victoria Police Interceptor, AS IS CONDITION. Sealed bids will be received until Thursday, 15 June 2017 at 2:00 p.m. and opened shortly thereafter. Motion carried unanimously 6-0.

2018 ROAD PROGRAM LIST (PRELIMINARY)

The Public Works Committee met and recommended the following preliminary roads for the 2018 Road Program:

Bayfield Road, Cedar Glen Drive, Cottonwood Court, Huntertown Road (East portion), North Ridge Drive, Tremont Drive, Valleyfield Drive, McKalloff Road, Old Bakerstown Road, McClure Road (Overlook Place to Saxonburg Blvd), Dawson Road, Blanchard Road, Hemphill Road, and Oakwood Circle.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Hollibaugh to authorize the Township Engineer to complete the Engineering for the potential roads listed as part of the 2018 Road Program, and to notify all utility companies of the same. Motion carried unanimously 6-0.

EMS PARKING LOT

The Board discussed the EMS rear parking lot and agreed to have the Public Works Department do milling at the site in the near future. No cost/just labor – three-man crew for approximately two days.

ADVERTISEMENT: PLANNING COMMISSION MEMBERS

The Board received a letter from Mark B. Schmidt, Chairman of the West Deer Township Planning Commission. Mr. Schmidt requested the Board consider replacing two members due to excessive absenteeism.

Members Ted Gall and Adam Woods have far exceeded the number of absences permitted under the Planning Commission policies. The Board received a copy of the letters sent to the two members on 28 March 2017.

After some discussion, MOTION BY Supervisor Florentine and SECONDED BY Supervisor DiSanti to approve the request from the Planning Commission to replace the two members due to excessive absenteeism and advertise for the two vacancies. Motion carried unanimously 6-0.

ANNOUNCEMENTS:

1) Memorial Day Services -- Monday, 29 May 2017

- 8:30 a.m.....Bairdford Memorial
- 9:00 a.m.....West Deer Township Memorial
- 9:30 a.m.....Rural Ridge Volunteer Fire Dept.
- 10:15 a.m.....East Deer Township Memorial
- 11:00 a.m.....Indiana Township Memorial
- 11:45 a.m.....Lakewood Memorial Gardens
- 12:30 p.m.....West Deer William Fish American Legion Post 593

Services are conducted by the Veterans of the West Deer Legion and members of the Sons of the American Legion. Luncheon served at the Legion – all are invited to attend.

- Dr. DiSanti complimented the Public Works crew for cleaning up the front Township Memorial area and the Bairdford Memorial area for Memorial Day.

2) Rabies Clinic – Saturday, May 27th from 2 pm to 4 pm
 Cost: \$10.00 Proceeds benefit the West Deer Dog Shelter

COMMITTEE REPORTS

The Committee Chairperson reported on their Committee updates:

- 1) Mr. Florentine – Engineering & Public Works Committee
- 2) Dr. DiSanti – Financial, Legal, and Human Resources Committee
- 3) Mr. Vaerewyck – ABSENT – EMS Oversight Committee
- 4) Mr. Florentine – North Hills COG Report

OLD BUSINESS

- Dr. DiSanti – Lighting on Little Deer Creek Road and Penn Dot/winter maintenance.
- Mr. Guerre – Route 910 Bridge

NEW BUSINESS

None

SET AGENDA: REGULAR BUSINESS MEETING

21 June 2017

6:00 p.m. – Executive Session

6:30 p.m. – Regular Business Meeting

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Executive Session Held
5. Registered Comments from the Public
6. Comments from the Public
7. Accept Minutes
8. Monthly Financial Report
 - A. Finance Officer's Report
 - B. List of Bills
 - C. Utilities & Payroll
 - D. Tax Refunds
9. Police Chief's Report
10. Building Inspector/Code Enforcement Officer's Report
11. Report from the Parks & Recreation Board
12. Engineer's Report
13. Hire Part Time Police Officer(s)
14. Sale of Police Vehicle
15. Committee Reports
16. Old Business
17. New Business
18. Set Agenda: 19 July 2017
19. Comments from the Public
20. Adjournment

Item Added:

- Sergeant Promotion
- Catanese Salvage License

COMMENTS FROM THE PUBLIC

- Mrs. Nancy Kralik, 52 Superior Road
 - Mrs. Kralik expressed her concerns on the American Legion Baseball field. Mrs. Kralik commented on fencing, netting, the backstop, backstop extension, scheduled games, playoff games, tournaments, flying balls, no trespassing signs, etc. Mrs. Kralik said the owners have not done anything and feels it continues to be an unsafe troubling problem for all four residents on the street.

Mr. Mator asked Mr. Happel if Mrs. Kralik's ongoing concern regarding the field usage is a civil matter. Mr. Happel indicated he would have to check on what the property is zoned and its permitted use.

Mr. Payne, Code Enforcement Officer, pointed out the Township does not have any ordinances or regulations for the baseball field for that nature on the Township records. Mr. Payne indicated there is nothing from which he can cite them, and that he is not able to force them to put up a backstop. After Mr. Payne explained the concerns to the owners, the Manning Brothers told Mr. Payne that they did have a *plan in place* but Mr. Payne is not sure what happened with it. He can touch base with them as a courtesy but

there is nothing he can legally cite them with and nothing they are doing is unlawful. Mr. Payne indicated he did inform Mrs. Kralik of this numerous times and informed her she can pursue this as a civil matter with the magistrate.

Dr. DiSanti indicated the Board addressed this issue with the Manning Brothers as a concern and he was under the impression that they were going to get bids on extending the backstop to take care of the problem and work with the American Legion to try and fix this problem.

Mr. Payne pointed out the backstop there is very old and since it wasn't put in properly, there can't be anything new added to it.

At this time, Chairman Fleming asked Mr. Happel, the Township Solicitor, to check into it and see if there is anything that West Deer Township can do. Mr. Happel will check into the authority the Township may have with the problems that Mrs. Kralik is having.

- Mr. Joe Wisniewski, Deer Creek Road
 - Mr. Wisniewski had various questions in regard to the Forbes holding tank/planning module. Some discussion was held.

ADJOURNMENT

MOTION BY Supervisor Hollibaugh and SECONDED BY Supervisor Florentine to adjourn the meeting at 8:00 p.m. Motion carried unanimously 6-0. Meeting adjourned.

Daniel J. Mator, Jr., Township Manager