

Patterson Township Board of Commissioners

Regular Meeting

Thursday, March 8, 2012

The Patterson Township Board of Commissioners held their regular meeting on Thursday, March 8, 2012 at 7:00 p.m. at the Municipal Complex, 1600 19th Avenue. Following the call to order and Pledge of Allegiance, roll call showed Commissioners Policaro, Bradow, Hoover, and Mahosky present. Mrs. Bonomo was absent.

The minutes of the previous meeting held on Thursday, February 9, 2012 were presented for review. Motion was made by Mr. Mahosky; seconded by Mr. Hoover approving as presented. Passed unanimous.

Public Comment: Mr. David Kane, 1825 W. 9th Street was scheduled to address the Board concerning the upcoming clean-up day. Mr. Kane was unable to attend; however, asked the Secretary to report on Project Greensweep, which will be held Saturday, April 14th. The details remain the same (start time, need for volunteers, etc.).

Mr. Policaro asked the audience if there was any other public comment. Mrs. Denise Navage, 8 Lindsay Drive referred to last month's meeting regarding the police contract with White Township. She recalled discussion concerning White Township owing Patterson Township money for a project and questioned how much it is and whether Patterson Township plans to collect it. Mr. Hoover made reference to the debt owed by White Township for a sewer project a few years ago. The Secretary advised that the balance owed is \$20,000.00 from a Steffin Hill Sewer line replacement project in 2006 and White Township has been paying \$5,000.00/year towards this debt. No payment has yet to be made in 2012.

Treasurer's Report: In the absence of Mr. Anderson, the Treasurer's Report for the General Fund, Sewer Fund, and Other Accounts was submitted for review. The Secretary advised the Board that March is the month to transfer funds over to the PLGIT Account. The high balance is due to the mailing and collection of the Township's real estate taxes. The Secretary recommended a \$200,000.00 investment for 6 months. These funds (set aside) will assist with paying the last quarter bills. Motion was made by Mr. Hoover; seconded by Mrs. Bonomo approving the Treasurer's reports and investment. Passed unanimous on a roll call vote.

Monthly Bills: see page 2 (following Solicitor's report)

Engineer's Report: Mr. Kevin Breit, LSSE attended the meeting for Mr. Mitrovich and gave a report on the following items: Corrective Action Plan – the Municipal Authority is scheduled to open bids at their meeting on March 21st for the replacement of the Davidson Drive Pump station wet well. Darlington Court – contact has been made with Adele Beaves, CEC Engineering (i.e. consultant for bond company), who advised that the NPDES permit is still not complete as well as the Erosion and Sedimentation Control Plan. It still could be another 60

to 90 days before a permit is issued and 90-120 days from starting the work. This brought about a lengthy discussion on this project's status and the Township's recourse to get this moving. Mr. Ross advised that a lawsuit could be filed against the bond company (American Southern) or the Board could continue to work through the bond company to see that the work is completed. Mr. Bradow expressed that this project has been pending way too long and asked what is entailed in taking legal action against them. Mr. Ross recapped the events, noting that the Township was led to believe that the permit was applied for in 2011, with a completion date no later than early spring (2012). Filing a lawsuit would either be to force them to get the proper permit and proceed or the Township getting a cash settlement to do the work ourselves. Mr. Ross noted that he has been trying to avoid putting good money after bad, noting that this project started prior to 2005. Mr. Hoover questioned what the recourse would be to collect any expenses the Township would incur if a lawsuit is filed. Mr. Ross reminded the Board that Engineering/Legal fees are still outstanding as per the Developer's Agreement to reimburse and that the lawsuit could include any fees that would be incurred.

Mr. Ross' final recommendation was to advise the bonding company of the filing of this lawsuit, getting it ready, and invite the bond company's attorney (Al Torrance) to the April meeting to discuss. If they do not attend, or the course of action is unsatisfactory, the lawsuit will be filed. Motion was made by Mr. Hoover, seconded by Mr. Bradow authorizing the Solicitor to draw up the lawsuit and invite Mr. Torrance (and/or bond company) to the April 12th Township meeting. If they do not, proceed with lawsuit. Passed unanimous.

Mr. Ross advised of one other issue regarding Darlington Court. The scheduled auction by Hostetter Auctioneers was postponed. In the preparation of this property to be sold (in the future), it should be understood that anyone buying needs to know that the Township is not going to take over the road and sewers and items done years ago by the owners (such as terra cotta pipe vs plastic) need to be revealed. Mr. Hostetter needs to be aware of this.

Back to the Engineer's report, Mr. Breit advised that Mr. DeLuca had contacted their office today to report a void (in the road) at 19th Avenue and 14th Street. LSSE will meet with Mr. DeLuca to review and make a recommendation. It was also noted that the sewer line at Steffin Hill Road and Front Street is in very poor condition. LSSE will review with Mr. DeLuca and come back with a recommendation.

Finally, Mr. Breit reported on a meeting between Robert Firek (LSSE) and Mr. Hoover concerning the storm drainage of 19th Avenue below 13th Street. It was noted that the soil is clay; however the road bed is solid rock making it difficult to dig a new stormwater system. The water problem is from underground springs in the area and freezes on 19th Avenue in the winter time, causing icy conditions. There seems to be no easy solution to correcting and advised that there are other areas of the Township (and other municipalities) having the same problem on what to do with excess water. Mr. Hoover questioned whether there is any Ordinances that prohibit private property owners to discharge water onto the roadway. There is no Ordinance. Underground spring water can't be stopped from entering the road. Mr. Bradow questioned the use of sump pumps. Mr. Breit advised that sump pumps are different from drains on a house and can't be discharged out on the road. It was noted that there is

water coming from residents property (i.e. springs coming out of the hillside) and leaches out. He also noted that last year's water table was extremely high with all of the rain over the last 18 months. Mr. Mahosky asked what the liability of the Township would be. Mr. Ross advised the residents that have springs are not liable; the Township should provide the drainage system and is liable for dangerous conditions of the highway. Mr. Mahosky also asked whether a grate system across 19th Avenue (much like the one on Ross Hill Road) could be installed. It was noted that the problem is the distance of 600 ft. to the next storm drain. It was by general consensus that LSSE will price out the cost to remedy this situation. It was also noted that it will be very costly due to the existence of water lines, gas lines, a retaining wall, restoration of yards.

Solicitor's Report: Mr. Ross advised that the update on Darlington Court was already taken care of. Mr. Ross provided a report on the filing of a petition by Assistant Chief Stanislawski to the PA Labor Relations Board to form a unit including the Chief of Police and the Part-time Officers for bargaining purposes. A hearing was held on March 6th with a Dennis Bockey with the following findings: there are two types of part-time police officers 1) regular part-time police officers, which are defined including expectations of employment (ex: regular hours) and 2) casual part-time police officers, who do not have expectations of employment and/or being a regular part-time employee. Mr. Bockey ruled that Patterson Township Part-time Officers are considered casual officers; therefore, not to be included in the collective bargaining unit. Item #2 was to include the Chief of Police as part of the bargaining unit. If he is not included, he is considered management (a non-working chief), indicating that he would not answer calls while working (i.e. administrative position). The request is to make the bargaining unit as it is now: Nicholas Bathgate, Mark LaValle, David Stanislawski with the addition of Richard Cindrich. A motion is needed to recognize the Chief as part of this bargaining unit (instead of negotiating his own contract) to be effective January, 2013. Action is needed by the Board to recognize the bargaining unit now, including the Chief (in the bargaining unit) for the purpose of negotiating a contract that becomes effective January 1, 2013. Motion was made by Mr. Hoover; seconded by Mr. Bradow confirming the new collective bargaining unit including Chief Cindrich for the purpose outlined above; however the motion included recognizing the Chief as having a current contract that expires December 31, 2012. Motion passed unanimous.

Monthly Bills: The monthly bills for February/March were presented for approval. Motion was made by Mr. Bradow; seconded by Mr. Hoover approving as presented. Passed unanimous on a roll call vote.

Committee Reports: **Fire** – Mr. Mahosky advised of not receiving any monthly fire reports. Mr. Mahosky advised of the exploration of LED lighting for the Township building. There has been no report received back from the contractor.

Mr. Policaro advised the Board that there are still 3 lights on the exterior of the building that are not working and the estimate from TEC (Conserve) Electric is approximately \$700.00 to fix. No current action was taken to fix. Additional options/proposals will be explored. Hank Crognale was in the audience and advised of the lack of lighting on the exterior of the kitchen

side of the firehall. He requested if lighting was being explored for the Township building, to include a proposal for lighting at the Fire Department.

Parks/Recreation – Mr. Hoover provided an update on his recreation project. He advised of the recent donation by IPSCO for 4 – 12 ft. sections of pipe for the basketball hoops and noted that the fittings will be expensive. Additionally, he reported that BAYBA is submitting an application for a grant from the Pittsburgh Pirates organization for the batting cages. He has talked with Blackhawk Superintendent Ms. Miller regarding a short-term lease for the property. The liability insurance issue will be included in the agreement. Mr. Ross advised to make sure that the lease agreement includes an indemnification and hold harmless clause for Patterson Township. Mr. Hoover will forward the lease agreement to Mr. Ross for review, once received and prior to presentation for approval by the Board.

Public Works – Mr. Hoover reported on a blocked sewer line on Figley Street. Tri-State Maintenance was called in this morning to clean the line. Mr. Hoover was advised by Mr. DeLuca that this is the oldest sewer line in the Township and will need some work on down the line. He was also advised by Mr. DeLuca that the backhoe broke down this week and was fixed in-house by Mr. Cipolla and Mr. DeLuca. This saved the labor costs of Cleveland Brothers doing the repair.

Mr. Hoover gave an in-depth report on the unleaded gas use from 2010 and 2011. He provided the total gallons used, average gallon per month, the average cost per gallon and the total costs of gas for 2010 versus 2011. His summation noted approximately 800 gallons unaccounted for and recommended implementing a policy. Discussion was held concerning access to the pump(s) whereby the switch for turning on the pumps is located inside the public works building. This policy is meant to cover all departments (police, public works, and fire). Mr. Crognale was quick to advise that the Fire Department contacts the officer on duty to fill up the firetrucks with diesel (not unleaded) and purchases gas for the SUV (first responder vehicle) at a local gas station. They do not have access to the public works building. It was noted that the public works trucks are also diesel. A question was raised on verifying the amount of gas delivered by Reed Oil to insure the accuracy of how much they deliver. Their trucks have to be certified. It was noted that the pump is a “farm pump” and has never been certified or calibrated for accuracy. The current technology on a new pump would include a printout or a ticket for the amount pumped.

Mr. Policaro recommended eliminating the gas tanks/pumps all together and purchase the gas elsewhere. The Secretary advised that the Township participates in the COG’s summer commodities program, which allows the Township to purchase gas/diesel at a lower cost and is non taxable. Mr. Policaro requested Mr. Hoover work with Mrs. Bonomo to come up with a policy for gas/diesel consumption.

Mr. Hoover is also seeking quotes for putting a cement floor in the backhoe building located at the quarry on Ross Hill.

Policies & Ordinances – No report in Mrs. Bonomo’s absence.

Code Enforcement – Mr. Morrow’s monthly report was submitted for review. No questions and/or comments at this time.

Police/Township Office/COG – Mr. Policaro advised of no report on the Council of Governments.

The monthly police report was distributed for review. Mr. Policaro also advised of a letter/draft that was submitted by Mr. Ross last May, 2011 regarding a policy for scheduling part-time police officers. Since then, Chief Cindrich has made some changes of which a summary is as follows: instead of submitting schedule for availability by the 23rd of each month, it is now the 20th; available for at least 6 days/month; acceptable absence from assigned shift is sickness, death in family, or an unavoidable emergency; no guarantee provided that non-work obligation will be accommodated; and the actions to be taken in the event of failure to follow this policy.

Additional discussion was held, as per the reason for the need of such a policy. Mr. Ross provided the background regarding officers working for other departments that were not available to work for the Township. Motion was made by Mr. Hoover; seconded by Mr. Bradow adopting the policy for scheduling of part-time officers including the changes made by Chief Cindrich, as presented in Mr. Ross’ letter of May, 2011. This policy will be added to the Standard Operating Procedures for the Police Department. Passed unanimous.

Mr. Policaro provided an update on the contract for police services with White Township, which began March 1, 2012. The contract is complete and signed by both parties. The Secretary is working on title transfers for both of the White Township police cars and are still in need of being cleaned out and remarked. The plan is to keep both cars, in addition to our present two cars, in an effort to save mileage on the newest cars.

In order to allow room for the additional cabinets, equipment, etc. from White Township, Mr. Policaro advised of the need to clean out the garage and dispose of the Township’s surplus property (such as unused/broken doors from construction of this building). The Secretary had also reported having old computer equipment that needs disposed of. Mr. Ross looked up the code and advised that these types of items owned by the Township can be disposed of since they have very little value as per the Board of Commissioners. Mr. Policaro advised that a review will be made and a determination on what could be gotten rid of.

Proposals for the replacement of the roof on two public works buildings (garage and backhoe shed) were presented and recorded as follows:

Name	Garage Bid	Shed Bid	Total	Payment Terms
Don Spearing	\$4,900.00	\$2,000.00	\$6,900.00	1/2 down-1/2 completed
Knox Plumbing & Heating	\$4,750.00	\$3,000.00	\$7,750.00	1/3 down-1/3 material del-1/3 completion

Turnbull Const	\$4,650.00	\$2,850.00	\$7,500.00	\$4,510 down – \$3,000 complete
Tate Contracting	\$4,200.00	\$2,400.00	\$6,600.00	None stipulated

Special Terms (for all): 30 year shingles on the garage and rubber roofing on the backhoe shed. All refuse cleaned up and removed. Property cleaned up.

Mr. Hoover advised that he has his own contracting company (Hoover Painting) and asked Mr. Ross if he could do this project, noting that he could save the Township considerable money. He asked whether it is a conflict of interest to do the job. Mr. Ross cited an example in another municipality which was regarded as an ethics violation. Also, Mr. Hoover would have to abstain from the vote if he provided a bid. The question was also raised in regards to the budget, in that these repairs were not budgeted for 2012. Mr. Bradow recommended turning this over to the Finance Commissioner, Mr. Mahosky to find a funding source. Mr. Mahosky suggested 429.370; however, Mr. Hoover advised the maintenance repairs (line item 429.370 sewer) is used for sewers only. This project was tabled to allow time to obtain proposals for a metal roof.

Committee Reports: Motion was made by Mr. Hoover; seconded by Mr. Mahosky approving all Committee Reports as presented. Passed unanimous.

Township Agencies: Civil Service Commission – The minutes of March 7, 2012 were presented for review. As a follow-up to their last meeting, the following appointments are being proposed: Thomas Armstrong (current alternate), be moved to a full-time member; Bert Robinson, 1309 Fox Avenue and Bruce Davies, 303 Darlington Road, as alternate members of the Commission. Motion was made by Mr. Mahosky; seconded by Mr. Hoover approving these three appointments. Passed unanimous on a roll call vote.

The minutes also reflected a request to approve attendance by new Chairman, Tom Reed to a Police Civil Service Training Seminar in Monroeville on April 10, 2012. The cost for the seminar is \$160.00. Motion was made by Mr. Hoover; seconded by Mr. Bradow approving the attendance not to exceed \$300.00, which would allow for tolls and gas. Additional discussion was held, which brought about an amendment to the motion to approve \$160.00 (for the seminar), plus fuel, plus tolls (whatever it amounts to). Motion passed unanimous on a roll call vote.

Zoning – Upon accepting the resignation of Mr. Witkouski at last month’s meeting, it was reported that Greg DeLuca reapplied for this position that he held the last 20 + years. His letter proposed an increase in the annual fee (for miscellaneous duties) from \$250.00/year to \$500.00/year and increase the building permit fees to \$40.00 base (formerly \$25.00/base) plus \$2.00/per thousand on value of the project (formerly \$1.00/per thousand). Mr. Policaro requested a motion to reinstate Mr. DeLuca as Zoning Officer. Mr. Hoover noted the correct point of order would be to vote on the proposed fees first. If they are not increased, Mr. DeLuca may not be inclined to be reinstated as Zoning Officer. Mr. Mahosky made the motion to accept the recommended changes to the fees proposed. Upon a second being made by Mr. Hoover, it was noted that there are less permits being written than back in 1983 (more fees collected), of which the Secretary advised as the last increase date. The fee increase would be by adoption of this resolution. A second motion was made by Mr. Mahosky amending the original motion to include a provision that the pending applications (Hostetter/Matheny) be charged the former fees. Any new applications will be subject to the new fees. Seconded by Mr. Hoover, the motion accepted the new fees of \$40.00 base plus \$2.00/\$1,000 value of the project. Motion passed unanimous on a roll call vote.

Motion was made by Mr. Hoover reinstating Mr. DeLuca as the Zoning Officer for Patterson Township. Mr. Hoover advised that upon Mr. DeLuca's retirement, he noted that he plans on staying on as the zoning officer. Additionally, the question was raised on whether the work involved in writing permits, etc. is done outside of his regular full-time position with Public Works. The Secretary advised that most of the Zoning in the past was done after 3:30 p.m. The motion was seconded by Mr. Mahosky and passed unanimous on a roll call vote.

Communications: A letter was received from Dr. Norman Carson, 1310 Fox Avenue regarding the condition of 17th Street and the need for paving. Mr. Hoover advised that he plans to tour the Township, once the weather breaks, to determine what roads to do for a 2012 road repair program.

A letter/invitation was received from the Pennsylvania Association of Township Commissioners to their annual conference to be held June 17-20th in Pocono Manor, PA. Motion was made by Mr. Bradow; seconded by Mr. Mahosky approving attendance if desired. Passed unanimous on a roll call vote.

A letter and meeting notice was received from Community Development Program of Beaver County concerning their demolition program. The Secretary advised that Mr. Morrow (Township Code Officer) is planning on attending this informative program on March 27, 2012 at the CD Office in Beaver Falls.

New/Miscellaneous Business: A letter was received from the Chippewa Township Sanitary Authority with a copy of the 2011 final treatment costs. The final costs indicated that Patterson Township still owes a balance of \$1,491.99 for 2011. The Secretary explained that CTSA adopts their budget and Patterson Township pays a monthly fee based on their budget. Once the year is complete, actual costs are calculated. Sometimes, CTSA owes Patterson Township and sometimes Patterson Township owes CTSA (depends on actual costs for the year). Motion was made by Mr. Hoover approving payment of the \$1,491.99 (from the Sewer Account). Seconded by Mr. Mahosky, the motion passed unanimous on a roll call vote. A discussion was held on the need to review the contract regarding the items being billed.

Executive Session: There was no need for an executive session.

There being no further business to be brought before the Board, motion was made by Mr. Hoover to adjourn the meeting. Seconded by Mr. Mahosky, the meeting adjourned at 9:20 p.m.

Respectfully submitted:

Paula J. Wagoner, CMC
Township Secretary

Copy: Mr. James J. Ross, Esq.
Mr. Ned Mitrovich, P.E.
Board of Commissioners

