

MINUTES
REGULAR MEETING, SHALER TOWNSHIP
BOARD OF COMMISSIONERS
TUESDAY, JUNE 13, 2023

The meeting was called to order at approximately 7:04 P.M. by Vice Chairman Bill Cross. Following a prayer by Commissioner Boyle and the Pledge of Allegiance, the Chairman asked the Secretary to call the roll as follows:

PRESENT: Wagner, Mizgorski, Iozzo, Boyle, Cross
ALSO PRESENT: Christopher Lovato, Manager; Judith Kording, Assistant Manager; Harlan Stone, Solicitor; Sean Frank, Chief of Police; Amanda Jennings, Finance Director; Mel Crawford, Administrative Assistant

Mr. Lovato stated that Commissioners Shutter and Fisher are joining telephonically.

The Vice Chairman announced that an Executive Session was held on May 9, 2023 and this evening at 5:30 p.m. wherein the following topics were discussed: employment and personnel matters, contracts and policies, an update on potential litigation related to zoning, and agency business which if conducted in public would violate a lawful privilege or lead to the disclosure of confidential information. Mr. Stone said the session was absolutely necessary and was in full compliance with the Pennsylvania Sunshine Act.

Approval of Minutes

The first item of business was the possible approval of the Regular Meeting Minutes of the Board of Commissioners held Tuesday, May 9, 2023.

Mr. Boyle moved, seconded by Mr. Shutter, that the Minutes of the Regular Meeting of May 9, 2023 be approved as received by each Commissioner. The motion was carried.

Recognition of Volunteer Service

The next item of business was the recognition of volunteer service.

Mr. Mizgorski recognized and thanked the following 6 volunteer firefighters from Bauerstown Volunteer Fire Department:

Larry Hoffman for 60 years of service
Bob Gosnell for 54 years of service
Conrad Eckert for 54 years of service
Dennis Millward for 53 years of service
Paul Mackiewicz for 52 years of service
Ray Linder for 50 years of service

Mr. Iozzo recognized and thanked the following 3 volunteer firefighters from Sharps Hill Volunteer Fire Department:

Alex Krzewinski for 66 years of service
Harold Wega for 53 years of service
Ron Barry for 53 years of service

Planning Commission

The first item of business was the report from the Planning Commission.

Mr. Piekarski stated that the Planning Commission did not have a meeting last month so there was no report for this evening.

Engineers Report

The next item of business was the Engineers Report from Matt Bagaley, Gateway Engineers.

Mr. Bagaley stated that the bathrooms were delivered to Fawcett Fields last Friday and that they are working on the final hookups and connections.

Mr. Bagaley stated that the Girty's Run Stream Restoration is similar to projects at Fawcett Fields and Fall Run and is within the Girty's Run Watershed which is below the high school. **Mr. Bagaley** stated we are required to do this under the Pollutant Reduction Plan and to meet DEP requirements.

Mr. Bagaley discussed the consent order side and the operation and maintenance side of sanitary sewer. **Mr. Bagaley** stated that on the consent order side, we are on pace to meet requirements. **Mr. Bagaley** stated that on the operation and maintenance side, we have an intern who is working to categorize and compile information to get it into the system. **Mr. Bagaley** stated that there are other GIS-related projects we're working on to include building permits and the Public Works Department.

Shaler Hampton EMS (SHEMS)

The next item of business was a report from Mr. Eric Schmidt, Director of Shaler Hampton EMS.

Mr. Schmidt reported on the call volume for the month of May. **Mr. Schmidt** stated the increases are due to their non-emergency transport business.

Mr. Schmidt stated that EMS participated in the Bike Rodeo, mock crash, graduation, and the end of year event at the high school for Touch-a-Truck. **Mr. Schmidt** stated they are now getting ready for July 4th.

Mr. Schmidt stated that one of their Supervisors, Dave Gallagher, has been with EMS for 20 years and is in need of a kidney transplant. **Mr. Schmidt** stated they are trying to spread the word to help him find a match.

Mr. Schmidt stated that Shaler Hampton EMS was selected as the 2023 EMS Agency of the Year out of 600 EMS services in Pennsylvania.

New Business

Possible Hiring of a Police Officer – Statement from John Benty, Civil Service Commission

The next item of business was the possible hiring of a Police Officer – Statement from John Benty, Civil Service Commission.

Mr. Benty stated that the Civil Service Commission certified the Police Officer Eligibility List on April 24, 2023. Applicants number 3 and 5 withdrew from the Eligibility List. The three names being offered from the Eligibility List are:

1. Andrew Godlewski
2. Zachary Sarnowski
3. Manuel Pihakis

Mr. Boyle moved, seconded by Mr. Iozzo, that Shaler Township makes a conditional offer of employment to Andrew Godlewski to be hired as a Shaler Township Police Officer and to be placed on the payroll at the discretion of the Township Manager, subject to and contingent upon the following conditions:

1. **That he successfully completes the prescribed training under Act 120 and remains certified as a Police Officer;**
2. **That he successfully passes all prescribed physical and psychological medical examinations;**
3. **That he establishes and maintains as a condition of his employment, residency within 10 air miles of 300 Wetzel Road;**
4. **That he successfully completes a probationary period of one year and that he has no expectation of continued employment until he successfully completes the probationary work-test period;**
5. **That during his employment, he remains qualified under all State and Federal requirements for being a Police Officer;**
6. **That he maintains a Pennsylvania Driver’s License as a condition of employment.**

The motion was carried.

PUBLIC HEARING: Girty’s Run and Pine Creek/Little Pine Creek Pollutant Reduction Plan

The next item of business was the public hearing for the Girty’s Run and Pine Creek/Little Pine Creek Pollutant Reduction Plan.

Mr. Stone stated that this was the date and time set aside for a public hearing regarding Shaler Township’s participation in the Pollutant Reduction Plan and to authorize the Township to enter into an agreement with Millvale with respect to this project.

Mr. Stone asked if anyone present would like to speak to the Township participating in this project and entering into an agreement with Millvale. **Mr. Stone** stated there was no one present who wished to speak to the Township participating or entering into the agreement.

Mr. Bagaley stated that the Pollutant Reduction Plan is part of the requirements that are under the MS4 program. **Mr. Bagaley** stated that the MS4 program is the regulations to manage stormwater releases, outlets, and inlets. **Mr. Bagaley** stated that there are 9 minimum controls related to that. **Mr. Bagaley** stated that the PRP relates to sediment, phosphorus, and other components that the DEP sets for different watersheds. **Mr. Bagaley** stated that there was a Pollutant Reduction Plan established years ago for Pine Creek/Little Pine Creek that Fawcett Fields and Fall Run fall into as well as Girty’s Run. **Mr. Bagaley** stated that the only revisions

they are proposing is to update the PRP for Pine Creek/Little Pine Creek to represent the work that was done at Fall Run Park and the stream restoration work at Fawcett Fields.

Mr. Bagaley stated that the Pollutant Reduction Plan for Girty's Run will be to implement and take credit for the planned project below the high school.

Mr. Bagaley stated that if approved, we would wait for the 30 days to expire following the advertisement on May 25th and, provided there are no written comments submitted, we would then submit the paperwork to the DEP to formalize that we have changed our PRP.

Mr. Bagaley stated that there is very little to no opportunity for Millvale to do any stream restoration projects, so there is an agreement that would share the expense of the Girty's Run project between Shaler and Millvale – 80% Shaler and 20% Millvale.

Upon inquiry from **Mr. Stone**, **Mr. Bagaley** stated that the credits would not apply to the ALCOSAN consent decree as this is only related to the storm sewer side.

Upon inquiry from **Mr. Lovato**, **Mr. Bagaley** stated that both a hard copy and electronic copy of the updated plan have been available at the Township Office.

Mr. Stone closed the public hearing.

Possible Approval of the Girty's Run and Pine Creek/Little Pine Creek Pollutant Reduction Plan

The next item of business was the possible approval of the Girty's Run and Pine Creek/Little Pine Creek Pollutant Reduction Plan.

Mr. Iozzo moved, seconded by Mr. Mizgorski, that the Girty's Run and Pine Creek/Little Pine Creek Pollutant Reduction Plan be approved. The motion was carried.

Possible Agreement with Millvale for Costs Related to the Girty's Run Stream Restoration Project

The next item of business was the possible approval of an agreement with Millvale for costs related to the Girty's Run Stream Restoration Project.

Mr. Iozzo moved, seconded by Mr. Wagner, that Shaler Township's agreement with Millvale for costs related to the Girty's Run Stream Restoration Project be approved where Shaler Township is responsible for 80% of all costs and Millvale is responsible for 20% of all costs. The motion was carried.

Mr. Lovato stated that in addition to being a good neighbor to Millvale, this will also save the Township money on engineering.

Possible Awarding of Girty's Run Stream Restoration Project

The next item of business was the possible awarding of Girty's Run Stream Restoration Project.

Mr. Iozzo moved, seconded by Mr. Mizgorski, that the Girty's Run Stream Restoration Project be awarded to Meadville Land Service, they being the lowest responsible bidder

with a base bid for \$96,450 and an additional bid of \$50,250 to add alternate number one. The motion was carried.

Upon inquiry from **Mr. Lovato**, **Mr. Bagaley** stated that the Township is at the end of its 5-year cycle for PRP and MS4. **Mr. Bagaley** stated that the base bid allowed us to take credit for this cycle and the next 5-year cycle. **Mr. Bagaley** stated the Township could be good for the next 10 years provided nothing changes with the DEP.

Possible Awarding of Court Resurfacing Project Bid

The next item of business was the possible awarding of the Court Resurfacing Project Bid.

Mr. Wagner moved, seconded by **Mr. Iozzo**, that the court resurfacing bid project be awarded to **Dun Right Construction**, they being the lowest responsible bidder with a bid for \$278,380.45 with a change order of \$18,380.45 to include an additional court making the total price of the contract \$296,760.90. The motion was carried.

Mr. Lovato stated that this was a bid put out by the North Hills Council of Government and includes courts at Stoneridge, Ellen Hughes, and Duss Parks. **Mr. Lovato** stated we attempted to do this last year but did not receive any bids, so we combined with other North Hills communities this year. **Mr. Lovato** stated that we budgeted \$300,000 so the total bid comes within that budget.

Possible Authorization to Send Zoning Ordinance Amendment – Family Definition to the County

The next item of business was the possible authorization to send the Zoning Ordinance Amendment – Family Definition to the county.

Mr. Boyle moved, seconded by **Mr. Wagner**, to authorize the transmittal of Zoning Ordinance Amendment – Family Definition to Allegheny County to review, publicize it, place on the agenda for the regular meeting of the Planning Commission, and authorize the advertising for adoption at a subsequent public hearing.

Commissioner Fisher voted nay. The motion was carried.

Mr. Lovato stated that the Solicitor performed a review of the definition of a family within the zoning ordinance and recommended changes that are in line with the FHA.

Patrick Murray, 450 McElheny Road

Upon inquiry from **Mr. Murray**, **Mr. Stone** stated the amendment is tiered into 3 steps for number of residents: unlimited for related family members, remains at 3 for unrelated members, and changes to 6 for disabled unrelated members. **Mr. Stone** stated that we did not want any fraternity houses or other types of unrelated members to be able to take advantage of the 6-resident minimum.

Mr. Murray stated that residents are very frustrated and know this is directly related to ReMed and Scioto. **Mr. Murray** stated that the settlement the Township had when they were involved in a lawsuit that this Board approved was then challenged by them in court and went all the way to the Pennsylvania Appellate Courts. **Mr. Murray** stated that they fought and showed that Shaler had done nothing wrong with their code and ordinances, and the appellate court shot

down what ReMed and Scioto were trying to do, but they moved in anyway and started running their business. **Mr. Murray** stated that they have filed a complaint against them and now the Township wants to change an ordinance that will approve the settlement the appellate court shot down. **Mr. Murray** stated the community is very frustrated. **Mr. Murray** stated that there is not one case that says there is a requirement of 6 to meet the Fair Housing Act. **Mr. Murray** stated that if they lose this lawsuit, and without the Township's support, ReMed will be able to double in size because of this ordinance getting changed. **Mr. Murray** stated residents are asking for the Township's support.

Mr. Stone stated that the Township has been tangled in litigation for many years regarding this matter. **Mr. Stone** stated that the decision to amend this ordinance is in response to the commonwealth court decision where they decided that the ordinance we had was not adequate to deal with how we comply with the FHA. **Mr. Stone** stated that the court instructed us that if we wanted to have a certain number that could occupy a property who were not related, we needed to specify what that number was. **Mr. Stone** stated that in an effort to comply, we are coming up with actual numbers. **Mr. Stone** stated that the Township has never favored residents or RedMed and Scioto. **Mr. Stone** stated we have always wanted to be in compliance with federal law and federal court.

Mr. Murray disagreed saying the court case did not say Shaler was in violation of anything and did not dictate that Shaler change their ordinance at all. **Mr. Murray** stated that the case said Scioto and ReMed did not meet their burden to show that they needed 6. **Mr. Murray** stated that Scioto and ReMed would not be able to sue under the current ordinance but will be able to once it is changed.

Mr. Stone stated that there will be a process that this ordinance will undergo including advertising, being sent to the county and Planning Commission for review, and then an advertised public hearing where additional public comment will be taken.

Receipts and Authorizations

The next item of business was the receipts for the month of May 2023.

Mr. Boyle moved, seconded by Mr. Wagner, that the receipts for the month of May 2023 be turned over to the proper authorities for deposit. The motion was carried.

The next item of business was the authorizations for the month of May 2023.

Mr. Boyle moved, seconded by Mr. Iozzo, that warrants be drawn for the month of May 2023. The motion was carried.

Ordinances & Resolutions

Resolution No. 15-2023 Application for CDBG Funds

The next item of business was the possible approval of Resolution No. 15-2023 Application for CDBG Funds.

Mr. Mizgorski moved, seconded by Mr. Wagner, that Resolution No. 15-2023 Application for CDBG Funds be approved. The motion was carried.

Mr. Lovato stated that the next two resolutions will allow us to apply for grant funds in order to demo certain properties in the Township determined to be blighted.

Resolution No. 16-2023 Slums and Blight

The next item of business was the possible approval of Resolution No. 16-2023 Slums and Blight.

Mr. Mizgorski moved, seconded by Mr. Iozzo, that Resolution No. 16-2023 Slums and Blight be approved. The motion was carried.

Commissioners Comments

Mr. Mizgorski thanked Township Management, the Police Department, and Township employees for their support on Memorial Day.

Managers Comments

Mr. Lovato stated the Township has advertised for residents to apply for a Focus Group regarding the future vision of Kiwanis. **Mr. Lovato** stated applications are available on the Township's website and are due by June 22nd.

Mrs. Kording stated that this year's 4th of July activities include fire truck rides, a band, and fireworks, and said the support of the police, fire departments, and EMS is greatly appreciated.

Chief Frank thanked the board for hiring a new officer.

Public Comments:

Mr. Cross asked if anyone had any comments or questions related to stormwater issues in Shaler Township. There were none.

Ed Rak, 3222 Sundale Drive

Mr. Rak commended the residents that voted for **Commissioner Iozzo, Commissioner Fisher, Commissioners Shutter, and Commissioner Cross**. **Mr. Rak** stated **Mr. Mizgorski** did a great job on Memorial Day.

There being no further business, **Mr. Boyle moved, seconded by Mrs. Fisher, that the meeting be adjourned at 7:56 PM.**

Respectfully submitted,

Christopher A. Lovato, Secretary
Seal