

WILKINS TOWNSHIP BOARD OF COMMISSIONERS

REGULAR MEETING, MONDAY, DECEMBER 12, 2005

The Regular Meeting of Monday, December 12, 2005 was brought to order at 7:00 PM by President Wilson. A quorum was present as follows:

Mr. Wilson		Mrs. Martinelli
Mr. Greco	Mr. Padula	Ms. Fialla

(5-244) MOVED PADULA-MARTINELLI to approve the minutes of the regular meeting of November 14, 2005. The motion was adopted by unanimous roll call vote.

CITIZEN'S COMMENTS:

Mr. John Means, 201 Sunset Drive: Advised the Board that he is uncomfortable with the recent action of both the Planning Commission and the Board of Commissioners in granting approval to Bellagio for the development of Vincentian Place. He spoke at length about the geotechnical report which was part of the required submission for plan review before both respective boards. Specifically, Mr. Means stated that he is concerned about the possibility of mine subsidence in the public right of way upon completion of the project. He fears that because the geotechnical engineer stated that the risk of mine subsidence is "high" that the Township may suffer a catastrophic loss on the property in the future. Mr. Means also stated that the developer's agreement should contain specific reference to the plan documents by number and that he is concerned that the geotechnical engineer has not submitted any specific specifications that should be incorporated into the developer's agreement.

Mr. McKeever was requested to address Mr. Mean's concerns. Mr. McKeever first gave a general overview of the mining operations that probably occurred on this and many other sites throughout the area. Mr. McKeever indicated that this site is no different than a number of other sites in Wilkins Township, for example Eastmont, the Jefferson Heights/Sunset area and Gardenia Drive. Although there is undermining, he is confident that, if the appropriate construction techniques are utilized, that the plan will be safe. Mr. McKeever indicated that he based his recommendation to proceed with the project upon his forty years of engineering experience, thirty five of which he has spent as the engineer for Wilkins Township. He further stated that the Township's Land Development and Subdivision ordinance precludes the developer from maintaining the right-of-way as a private roadway and in order for the project to proceed, the right-of-way must be publicly dedicated. He is comfortable with a five-year agreement, after the dedication of the right-of-way and indicated that the potential for subsidence is higher during construction than after construction. He also waylaid the fear that the Township may suffer a catastrophic loss. He indicated that the geotechnical report does not indicate this. Mine subsidence is not a sudden twenty (20') foot drop, but a process which occurs over time, leading to depressions in the roadway, not gapping holes. McKeever also discussed the soil content and the importance of quality, as opposed to the quantity of cover over the mine rooms. Finally, Mr. McKeever indicated that he had spoken with the manager regarding the financial guarantee on the roadway, which is cited in the developer's agreement as either 15% of the cost of the roadway, or a cap of \$75,000.00. At the request of Mrs. Bradley, he reviewed these figures and believes that a more appropriate cap would be \$150,000.00. The construction of the roadway itself is estimated at about \$70,000.00. If there is a failure that involves underground infrastructure (i.e., sewer lines), then the Township would want to insure that adequate coverage is in place. Mr. McKeever indicated that Bellagio is in agreement with this increase. Again, Mr. McKeever reiterated his recommendation that the Board of Commissioners approve the developer's agreement, based upon his official review as the Township Engineer.

Mr. Robert McGrath, 269 Penhurst Drive: Complimented the Manager and the Board on an excellent budget presentation. Stated that although the Board did not increase real estate taxes, there is an increase in the Occupation Privilege/EMS Tax from \$10.00 per employee to \$52.00 per employee. Also commented on the methodology employed by the Board at the meeting of October 26th. At that meeting, the Board was not forthright in the reasoning or the action taken to suspend Chief Guthrie. He requested that the Board be more forthright in these issues.

(5-245) MOVED MARTINELLI-PADULA to waive the reading of reports, with the exception of Recreation. The motion was adopted by unanimous roll call vote.

Ms. Patty Nowikowski, Acting President of the Recreation Advisory Board, informed the Board that the Halloween Party was very successful and also reminded the Board of the Christmas Party scheduled for Saturday, December 17th at Fire Department #3. Finally, the Recreation Board is requesting that the Township provide a large bulletin board to be placed on the wall in the auditorium so that the Recreation Board can hang photos of the different events and children on the board. Mrs. Bradley will advise Mr. Vargo to purchase and install the board.

REPORTS:

Police Report for November 2005:

	<u>2004</u>	<u>2005</u>
Total Police Calls Logged	223	304
Total Criminal Offenses Reported	40	31
Criminal Arrests/Person Charged	7	11
Criminal Offenses Cleared	14	14
Traffic Citations Issued	16	33
Parking Tags Issued	16	13
Parking Citations Issued	2	12
Monies collected during November	\$4,661.30	\$5,091.42

Mr. Paul Vargo's DPW Report filed in the Manager's Office.

WTVFD #1 Reported the following for October 2005: Thirteen (13) fires, Four (4) practices, One (1) Special Halloween and three (3) classes. Total man-hours 428.25. Report for November 2005: Thirteen (13) fires, One (1) drill and two (2) business meetings. Total man-hours 133.5.

WTVFD #3 Reported the following for November 2005: Ten (10) fires, Six (6) work details and Fourteen (14) training sessions. Total man-hours 374.55.

WTVFD #4 Reported the following for November 2005: Eleven (11) fire calls, Five (5) fire schools, Two (2) drills, Four (4) Public service details and One (1) work detail. Total man-hours 352.

Building Permits issued during November 2005:

One (1) Shop 'n Save – Cost \$14,560.00 – One (1) Anker Industries – Cost \$27,686.00 and Two (2) signs, Pinnacle & Scottrade.

The total real estate transfer tax collected for the month of November 2005 was \$70,668.77.

Tax Collectors Report for November 2005:

Balance – beginning of month	205,170.71
Additions	336.54
Deductions (exonerations)	-391.35

Adjusted Collectable

205,115.90

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Less face collections for month	7,128.23
Exonerations (refunds this month)	343.92
Balance Collectable – end of month	197,987.67
Total refunds to date	1,955.69
Face amount of collections	7,128.23
Plus Penalties	677.60
Less Discounts	7.05
Total Cash Collected	\$7,798.78

PA Municipal Services – Act 511 Tax Report - November 2005

EARNED INCOME TAXES

Current Month	\$ 47,458.72	Previous Year	\$ 64,141.09	Difference
Current YTD	510,678.46	Previous YTD	513,774.14	(\$3,095.68)

OCCUPATION PRIVILEGE TAX:

Current Month	2,297.29	Previous Year	2,217.30	Difference
Current YTD	50,811.94	Previous YTD	49,315.98	\$1,495.96

MERCANTILE TAX:

Current Month	111.90	Previous Year	-0-	Difference
Current YTD	939,581.44	Previous YTD	970,279.67	(\$30,698.23)

BUSINESS PRIVILEGE TAX:

Current Month	7,629.86	Previous Year	-0-	Difference
Current YTD	197,264.79	Previous YTD	149,818.64	\$47,446.15

Senate Engineering Report for November filed in the Manager’s Office.

(5-246) MOVED GRECO-PADULA to approve the schedule of bills, as presented in the amount of \$118,455.77. The motion was adopted by unanimous roll call vote.

ORDINANCE NO. 974

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA AMENDING AND RESTATING ARTICLE III OF CHAPTER 156 OF THE WILKINS TOWNSHIP CODE OF ORDINANCES, OCCUPATIONAL PRIVILEGE TAX, TO LEVY ASSESS AND COLLECT AN EMERGENCY AND MUNICIPAL SERVICES TAX ON INDIVIDUALS FOR THE PRIVILEGE OF ENGAGING IN AN OCCUPATION WITHIN THE TOWNSHIP AND TO ESTABLISH REGULATIONS RELATED THERETO.

(5-247) MOVED PADULA-MARTINELLI to read Ordinance No. 974 for the first time, by title only.

(5-248) MOVED MARTINELLI-GRECO to read Ordinance No. 974 for the second time, by title only.

(5-249) MOVED PADULA-GRECO to adopt Ordinance No. 974.

Motions 5-247 to 5-249 inclusive were adopted by unanimous roll call vote.

ORDINANCE NO. 975

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, APPROPRIATING OUT OF REVENUES AVAILABLE FOR FISCAL YEAR 2006 SPECIFIC SUMS REQUIRED AS SHOWN BY THE BUDGET AND FIXING THE REAL ESTATE TAX LEVY FOR THE FISCAL YEAR 2006.

(5-250) MOVED GRECO-MARTINELLI to read Ordinance No. 975 for the first time.

(5-251) MOVED GRECO-MARTINELLI to read Ordinance No. 975 for the second time, by title only.

(5-252) MOVED GRECO-MARTINELLI to adopt Ordinance No. 975.

Motions 5-250 to 5-252 inclusive were adopted by unanimous roll call vote.

Changeover from Eastern Regional Communications Center (ERC) to Allegheny County Emergency Operations (EOC) – Action Plans/Update:

Mr. Padula shared an email that he received from Mr. Bob Harvey of Allegheny County. The conversion from the ERC to the EOC is moving along slowly. Mr. Hill stated that the Fire Departments are continuing to complete their run cards for the move, but everything else is ready with the exception of their radio frequency. Mr. Hill stated that he was hearing “rumors” that the conversion was not going to take place until January 15th. Mr. Padula stated that according to Mr. Harvey, the dispatchers who are moving from the ERC to the EOC will not be fully trained until January 13, 2005. He also indicated that the County has still not provided a non-emergency phone number.

The Board discussed the possibility of remaining with the ERC until mid-January and the financial implications (i.e., who would be responsible for paying the ERC for services?) and instructed the Solicitor to work with the manager to prepare correspondence to the County addressing the changeover process and timeline.

(5-253) MOVED PADULA-GRECO to approve the execution of a contract between the Township of Wilkins and Pennsylvania Municipal Services for the collection of Emergency and Municipal Service Taxes on behalf of the Township at a rate of 1.9% of the gross amount of all sums collected. The motion was adopted by a four to one vote with Ms. Fialla voting NO.

(5-254) MOVED PADULA-GRECO to authorize the manager to advertise the schedule of meetings for the calendar year 2006, as presented. The motion was adopted by unanimous roll call vote.

(5-255) MOVED PADULA-MARTINELLI to approve the request of the Recreation Advisory Board for the allocation of \$2,500.00 for the Christmas Party and \$50.00 for the Tree Burning. The motion was adopted by unanimous roll call vote.

(5-256) MOVED MARTINELLI-GRECO to authorize the execution of a contract between the Township of Wilkins and Hoffman’s Boarding Kennels for the year 2006 for the purpose of animal control at a cost of \$195.00 per month. The motion was adopted by a four to one vote with Ms. Fialla voting NO.

Question on the Motion: Ms. Fialla questioned whether Mrs. Bradley was aware of the effort that Hoffmans employed in placing stray animals prior to euthanizing them. Mrs. Bradley stated that she was not aware of Hoffman’s efforts.

Request for change in recycling schedule. Mrs. Bradley reported that representatives from Waste Management requested permission from the Township to change the week

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for Township recycling, beginning April 1, 2006. This change will be announced in the next Township newsletter and posted on the website. The change will not affect the days of residential pickup, but will move all pickups to the week following the current schedule. The Board, on the advise of the Solicitor did not take official action on this matter, but indicated approval of the change.

(5-257) MOVED PADULA-MARTINELLI to authorize the Manager and the Solicitor to develop an addendum to the Tropical Amusement Contract to permit the opening of the amusement rides beginning at 4:00 PM on the final day (Saturday) of Community Days instead of at 6:00 PM, contingent upon there being enough people present to warrant an earlier opening. The motion was adopted by unanimous roll call vote.

(5-258) MOVED GRECO-MARTINELLI to accept the recommendation of the Township Engineer, Township Solicitor and Township Manager authorizing the execution of a developers agreement with Bellagio, LLC, for the development of twenty (20) units on 8.8 acres of land, contingent upon an amendment to Paragraph 11, page 6 of the agreement, changing the sum of \$75,000.00 to \$150,000.00. The motion was adopted by unanimous roll call vote.

(5-259) MOVED FIALLA-MARTINELLI to authorize the Solicitor to prepare the appropriate documentation for right of entry onto private property for the performance of geotechnical work for the repair of the slide on Highland Avenue. The motion was adopted by unanimous roll call vote.

(5-260) MOVED PADULA-MARTINELLI to authorize the payment to Gregori Construction for the reconstruction of the Ivy Street Bridge contingent upon approval by the Turtle Creek Valley County of Governments and the County of Allegheny. The motion was adopted by unanimous roll call vote.

Commissioner's Comments:

Mr. Padula reminded the residents that the Recreation Advisory Board Christmas Party will begin at 10:30 AM on Saturday, December 17th at VFC #3 and wished everyone Happy Holidays.

Ms. Fialla thanked everyone for their attendance and specially thanked Mr. Means and Mr. McGrath for their continued interest in the business of the Township. Wished everyone Happy Holidays and thanked Mr. Wilson for serving as Chairman of the Board for the past two years.

Mrs. Martinelli thanked the Department of Public Works for their help in decorating the Township building for the holidays. Requested that Mrs. Bradley submit a letter to Mrs. Linda Porado thanking her for her help in decorating and thanked Mr. Wilson for serving as Chairman of the Board. Finally, Mrs. Martinelli wished everyone Happy Holidays.

Mr. Greco thanked Mr. Wilson for his service as Chairman; thanked the Department of Public Works for their snow removing efforts and wished all Happy Holidays.

Mr. Wilson thanked Mrs. Bradley and the Department Heads for putting together a nice budget. Thanked all for coming out and thanked Mr. Nese for the development. Wished all Happy Holidays.

(5-261) MOVED MARTINELLI-FIALLA to adjourn, the meeting was adjourned at 8:30 PM. The motion was adopted by unanimous roll call vote.

Respectfully submitted,

OF COMMISSIONERS

REGULAR MEETING, WEDNESDAY, DECEMBER 12, 2001

The Regular Meeting of Wednesday, December 12, 2001 was called to order by President John J. Hanlon. A quorum was present as follows:

Mr. Hanlon
Mr. Greco

Mr. Padula
Mr. Madden

Mrs. Brannigan was absent due to a previous committment.

At the invitation of President Hanlon, all present rose and participated in the Pledge of Allegiance to the Flag.

(1-191) MOVED PADULA-MADDEN to approve the minutes of the Regular Meeting of Wednesday, November 28th and the Budget Meeting of Monday, December 3, 2001. The motion was adopted by roll call vote of all present.

COMMUNICATIONS:

Two (2) letters received from Wilksburg Penn Joint Water Authority. The first one dealt with inspections of fire hydrants. The second one informed the Township that on November 27, 2001 the Board of Directors adopted Management's recommended balanced budget for 2002.

Robert G. McGrath of 269 Penhurst Drive stated that at the November 28th, meeting one of the Commissioners stated that the sunshine law prevented the Board from saying, in the open meeting, that the Board would take some official action after an executive session. Upon investigation Mr. McGrath finds that according to the sunshine law, there is no such restriction.

CITIZEN'S COMMENTS:

Cindy Goodfellow from Waste Management presented a proposal to change the route from a four (4) day schedule to a one (1) day pick up. After a discussion, it was decided to:

(1-192) MOVED PADULA-GRECO to not go with this proposal. The motion was adopted by roll call vote of all present .

Michael Muhar of 689 Negley Avenue reported that Negley Avenue is looking real good. However, there is one bag of garbage that is torn apart and that has been there for a very long time. DPW is to look into the matter.

William Wilson of Dorothy Street questioned the advertising for proposals for the Engineer and Solicitor.

Chief Guthrie presented the Police Report for November 2001:

Total police calls logged	256
Total criminal offenses reported	39
Criminal arrests/persons charged	12
Criminal offenses cleared	21
On November 26th there were twelve (12) glass block windows broken in the Linhart Park Restrooms.	
Gasoline used by police vehicles	931
Total police mileage for this month	9,369
Total monies collected during November	\$2,477.25

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Mr. Paul Vargo presented the DPW Report for November 2001. It can be found, filed, in the Manager's Office.

WTVFD #3 reported 8 fires & 35.38 man hours, training classes 72 hours & meetings & work details 230 hours. Total hours 337.38. WTVFD #4 reported 7 calls and 182 man-hours for November 2001.

Leonard Hill, Building Inspector, reported 19 calls during November: Additions and alterations - 13, Office build-outs - 5 and 1 retaining wall. Total monies collected amounted to \$858.20. His Complaint & Contact List and his Correspondence Log filed Mgr's Office.

Solicitor Means reported a collection of \$3,199.21 in Deed Transfer Tax.

The following is George M. Porado's Treasurer's Report for November 2001:

<u>CHARGES: ORIGINAL DUPLICATE:</u>	\$1,274,234.69
ADDITIONS: PENALTIES THIS REPORT	80.31
PREV REPORT	<u>2,020.17</u>
TOTAL CHARGES	1,276,335.17
<u>CREDITS: CURRENT REPORT</u>	883.37
PREVIOUS REPORTS	1,199,936.52
<u>DISCOUNTS: PREVIOUS REPORTS</u>	17,053.92
TOTAL CREDITS	\$1,217,873.81
BALANCE TO ACCOUNT FOR	58,461.36
COLLECTION PERCENTAGE: CURRENT	95.4%
PREVIOUS YEAR	96.9%

PENNSYLVANIA MUNICIPAL SERVICES - NOVEMBER 2001

EARNED INCOME TAXES 2001 Budget \$480,000.00

Current Month \$ 59,940.85 Previous Year \$ 74,758.67 Current Year to Date

Current Y T D 463,592.56 Previous YTD 478,134.13 96.58%

OCCUPATION PRIVILEGE TAX 2001 Budget \$ 47,000.00

Current Month 3,240.90 Previous Year 310.00 Current Year to Date
Current Y T D 46,052.65 Previous YTD 47,149.38 97.98%

MERCANTILE TAX: 2001 BUDGET \$350,000.00

Current Month 123.67 Previous Year -0- Current Year to Date
Current YTD 445,974.49 Previous YTD 349,798.25 127.42%

BUSINESS PRIVILEGE TAX: 2001 BUDGET \$ 165,000.00

Current Month -0- Previous Year 2,072.90 Current Year to Date
Current YTD 134,343.78 Previous YTD 170,301.45 81.42%

Solicitor John Means spoke about re-valuations of properties as a result of an Administrative Change Order rather than through the Appeal Hearing Process.

Mr. Taylor presented the Senate Engineering Report for November 2001. It can be found, filed, in the Manager's Office.

(1-193) MOVED GRECO-MADDEN to accept all of the above reports. The motion was adopted by unanimous roll call vote of all present.

(1-194) MOVED GRECO-MADDEN to approve payment of the November bills in the amount of \$186,169.64. The motion was adopted by unanimous roll call vote of all present.

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(1-195) MOVED PADULA-MADDEN to accept the COPS Grant and to advertise for equipment, software and service bids. The motion was adopted by unanimous roll call vote of all present.

(1-196) MOVED MADDEN-GRECO to approve the 2002 Budget as presented., and to approve advertisement of an ordinance to set the millage. The motion was adopted by unanimous roll call vote of all present.

(1-197) MOVED GRECO-MADDEN strongly recommend that, if any excess funds remain, they be approved for street repairs. The motion was adopted by unanimous roll call vote of all present.

(1-198) MOVED GRECO-PADULA to authorize approval to advertise the 2002 Schedule for meetings. The motion was adopted by unanimous roll call vote of all present.

(1-199) MOVED GRECO-MADDEN to write a letter to State Senator Jay Costa thanking him for being instrumental in obtaining a grant in the amount of \$52,769.00 for the Leax Lane Water Project. The motion was adopted by unanimous roll call vote of all present..

(1-200) MOVED PADULA-GRECO to proceed with the Patrick Hearn Case as originally prepared. The motion was adopted by the following vote:

Padula - Yes
Greco - Yes
Hanlon - Yes
Madden - Abstention
Brannigan - Absent from meeting

(1-201) MOVED GRECO-PADULA to cancel the Second Regular Meeting scheduled for Monday, December 31, 2001. The motion was adopted by unanimous roll call vote of all present.

At this point, 7:55 P.M. the Board broke for Executive Session.
The Board reconvened at 9:00 P.M.

As Solicitor John Means was instructed to investigate the requisition of the Eastmont Swim Club Property, presently he contacted the buyer GLS. Therefore:

(1-202) MOVED PADULA-GRECO to authorize Solicitor Means to contact GLS and make a proposal to offer \$4,000.00 over two years for the Eastmont Swim Club Property. The motion was adopted by unanimous roll call vote of all present.

Mr. Padula announced that the Childrens Christmas Party will be held on Saturday, December 15, 2001 between the hours of 10AM to 1:00 PM at the WTVFD #3 on Powell Street.

President John Hanlon, on behalf of the Board, wished everyone a happy and joyful Christmas, and a healthy and prosperous New Year's.

(1-203) MOVED PADULA-GRECO to adjourn, the meeting was adjourned at 9:05 PM. The motion was adopted by unanimous roll call vote of all present.

Respectfully submitted,

Carolyne F. Ford, Manager