

Amanda Settelmaier, Executive Director of the Turtle Creek Valley Council of Governments submitted correspondence inviting the Township to participate in a multi-municipal planning effort with other municipalities in the Woodland Hills School District and requesting that the Board contact the COG by August 31, 2009 if there is serious interest in moving forward. Mrs. Bradley also read an email forwarded by Forest Hills Councilman Mike Belmonte from Joy Wilhelm of DCED stating that the current Commonwealth budget includes a 73% reduction in funds available for LUPTAP funding, which may impact the level of funding available for future plans.

Citizens' Comments:

Prior to Citizens' comments, Mrs. Bradley advised that the Board met in Executive session prior to the meeting to discuss an item of litigation and an item of personnel. Also, there is one change to the agenda, under New Business, Agenda Item #6, the word "subsidiaries" has been changed to "affiliates."

Bill Macko of 106 Ivy Street thanked the Commissioners, Fire Departments, and Public Works employees for all of their help after the flood of June 17th; questioned the U.S. Army Corps of Engineer project along Saw Mill Run and stated that he would be willing to provide manual labor, if necessary, to help correct the problems.

Neal Harrison of EH Schwab, 1281 Lower Rodi Road, spoke regarding upstream problems affecting the flow of Chalfant Run, which is impacting the businesses along Lower Rodi Road. He stated that the business owners have been waiting five years for a solution and the inaction has contributed directly to the problems associated with the flood of June 17th.

Errol Abdulla of AWK Consulting, 1225 Lower Rodi Road stated that he has owned his building for twenty years and there have been many major flood events. This is the first time that his business has been flooded. He believes that it is due to the lack of stream maintenance and he does not believe that the businesses and residents should have to put up with this.

Dick Durr of Durr Marketing, 1300 Lower Rodi Road thanked the Township for the quick response in repairing the culvert next to his business the day after the storm; commented upon the continuing problem in Penn Hills by the Churchill Valley Country Club which brings raw sewage into Chalfont Run and stated that the water discharge in the culvert next to his business is five to ten times heavier now than before Shop-N-Save and Nissan were constructed.

George Mitchell of 509 Washington Street stated that a large piece of his basement wall was pushed in by the last flood. He wants the Township to purchase his house. He had to borrow money to make repairs after the flood in 2004 and he is not going to do it again.

C.J. Tedesco, General Manager of Zoresco's, 1241 Lower Rodi Road questioned whether the Township was going to address the continual runoff from Penn Center which floods his business at least ten times per year and questioned the Township's timeline in making improvements to its Storm Water Management Systems.

Dale Harrison of EH Schwab, 1284 Lower Rodi Road stated that he already spent \$60,000.00 to put in gabion baskets to stabilize the hillside next to the creek and will be spending another \$60,000.00 for new gabion baskets. He has been documenting the flooding since 2004. He believes that there are funds available and has contacted Onorato's office to arrange a meeting. Everyone that he has spoken to has told him that the Township has to take the lead on this project.

Keith Jones of Laurel Print & Graphics, 606 Brown Avenue stated that he has not done any business since the day of the flood. He lost \$750,000. in equipment. The Township needs to get someone in the creek (Saw Mill) to find out what is going on and fix it – not do another study. His retaining wall behind his business fell during the flood and he needs to know who to talk to to fix it.

Dennis Scott of 204 George Lane stated that his water line flows under Chalfant and Thompson Runs. The water line was exposed again. He questioned what actions the residents could take individually to alleviate the situation.

Sylvia Martinelli of 210 George Lane requested help from the Board of Commissioners in addressing the exposed water line which also feeds her home.

David Carosso, 470 Brown Avenue stated that this is the third time that his business has been flooded (2004, 2007 and 2009). The culvert beneath the Bowling Alley, Mr. Lawson's property and the A-1 property needs to be fixed. The water in his garage was over 2' high. Mr. Carosso and his brother operate a business from this location and also reside there. He is getting ready to move out.

Kathy Strait of 460 Wilbur Street thanked the Fire Companies and municipal workers for all of their help during and after the flood; commented that she was grateful that the debris catcher was not in the creek during the storm because it would have made the flooding worse; stated that there was a tremendous amount of water coming down off of Cline Street and the manole was 3 and one half to 4 feet off the ground; questioned why the Township still has combined sewers especially in flood-prone areas; commented that Wilbur Street is washing away and questioned whether any grant funds were available to repair retaining walls.

Nora Regrut of 1003 Larimer Avenue stated that her home was destroyed in the flood and is unlivable. She is not interested in a no-interest or low-interest loan. She does not have the funds to demolish her home. Her husband will be retiring from the township in nine months and she requested consideration from the Board to permit him to live outside of the Township until that time due to the loss of their home. She stated that this is the first time in sixty-one years that the first floor of their home flooded and it is time to stop talking and start fixing the problem.

(9-181) MOVED FIALLA-SZOKO to authorize the Solicitor to create a Memorandum of Understanding between the Township of Wilkins and Mr. John Regrut which addresses residency requirements of Public Works Employees as a result of Mr. Regrut's extenuating circumstances. The motion was adopted by unanimous roll call vote.

Citizens' Comments:

Rick Nebel of 567 Tongalucas addressed the Board regarding the flow of water and debris coming from the VFW on Cline Street since the VFW property was graded and landscaped.

Mike Cima of Pitt Tool and Die, 1261 Lower Rodi Road questioned whether the Township has applied for a permit with the Department of Environmental Protection and stated that he believes that the attorneys would be able to figure out who is responsible for stream maintenance in the event of serious injury or death during a flood related incident.

TJ Fichera, Chief of the Pittsburgh District Readiness Office for the United States Army Corps of Engineers (USACE), 1000 Liberty Avenue, Pittsburgh, addressed why USACE is in Wilkins, what they are able to do and what they are unable to do. USACE has two projects that touch upon Wilkins Township – along Thompson Run and along Saw Mill Run. The Thompson Run project is a federal project. The Saw Mill Run project is a PA

Department of Environmental Protection (DEP) project. Both of these projects are required to be inspected annually by the DEP and USACE. Because of the flood, USACE will be taking emergency remediation measures in both Thompson Run and Saw Mill Run beginning in August. However, Congress has not given USACE permission to expand their scope of work in order to clear debris and sediment outside of the flood control project areas. Mr. Fichera suggested that the Township contact DEP and find out what their requirements are for cleaning the streams – both for individuals and the Township. Residents should be aware that if a tree falls into the creek behind their homes, they can remove the tree. If the Township receives a FEMA declaration, there is a potential that the Township can perform emergency work in the streams and seek reimbursement from FEMA. He also reiterated that it is important that all residents who suffered financial loss and damage during the flood contact the Township and report that damage to aid in the FEMA determination. Mr. Fichera also stated that he believes that what USACE is doing in Turtle Creek will benefit Wilkins. The tunnel at Saw Mill is fifty percent blocked with debris, which will be removed by USACE. Long term, the Township and surrounding municipalities need to think regionally, as a watershed. A plan needs to be in place to provide funding to the entire watershed.

Prior to the reading of reports, a ten minute recess was taken (8:50 – 9:00 PM)

Reports:

Monthly police Report – June 2009

	<u>2008</u>	<u>2009</u>
Total Police Calls Logged	329	291
Total Criminal Offenses Reported	23	30
Criminal Arrests/Persons Charged	10	8
Criminal Offenses Cleared	14	8
Traffic Citations Issued	118	21
Parking Tags Issued	10	11
Parking Citations Issued	10	-0-
Total monies collected during June	\$5,325.60	\$7,227.30

(9-182) MOVED FIALLA-SZOKO to authorize Chief Krancic to determine whether there is an opening in the POSIT class being offered in November at the Allegheny County Police Training Academy in North Park and authorizing his attendance at that class. The motion was denied by a 3 to 2 vote with Messrs. Costa, Padula and Wilson voting “NO”.

Mr. Paul Vargo’s report for June 2009 – filed in the Manager’s Office.

WTVFD #1 reported the following for the month of May 2009:

- 20 Fires – Man-hours 231.75
- 3 Practices – Man-hours 98
- 1 Special – Man-hours 1
- 1 Meeting – Man-hours 1
- 2 Work Details – Man-hours 42
- 1 Training – Man-hours 8
- Total Man-hours for the month of May 2009 – 433.75

WTVFD #3 reported the following for the month of June 2009

- 36 Fires and Flood Damage – Man-hours 437.07
- 2 Training Sessions – Man-hours 24.19
- 10 Work Details – Man-hours 10
- Total Man-hours for the month of June 2009 – 829.59

Building Permits issued during June 2009:

- 1 HVAC – P/C Building #5, Wm Penn Highway – Cost \$15,000.
- 2 Decks – Cost \$6,200.
- 2 Pools - Cost \$265.00
- Patio Roofs – Apartments Penn Center, 1100 P/C Blvd – Cost \$20,850.
- 1 Porch Roof – 1432 Jefferson Heights Road – Cost \$3,500.
- 1 Roof over Basement area – 134 Grandview Ave – Cost \$345.
- Guide Rails, Stairs, Hot Tub – 129 Meadow St – Regis Hohman – Cost ?
- 1 Demolition – 565 Ayers Avenue – Cost \$6,700.

The Township received \$3,969.49 in real estate transfer taxes during the month of June 2009 representing deed transfers which were recorded by the County in May. Total Real Estate Transfer Tax collections to date are \$61,568.28 of 123.4% of budget.

Total Collections – Monthly Tax Collector’s Report – June 2009:

Balance Collectable – Beginning of month	\$195,564.19
Less Face Collections	-61,411.62
Balance Collectable – End of Month	134,152.57
Face Amount of Collections	61,411.62
Total Cash Collected	61,411.62

PA Municipal Services – Act 511 Tax Report:

Earned Income Taxes:

Current Month	\$103,540.35	Previous Year	\$80,961.95	Difference
Current YTD	383,220.76	Previous YTD	337,161.25	\$46,059.51

Local Service Tax:

Current Month	14,844.89	Previous Year	21,026.29	Difference
Current YTD	71,918.42	Previous YTD	78,793.39	(\$6,6847.97)

Business Tax (Mercantile & Business Privilege):

Current Month	52,880.67	Previous YTD	33,067.04	Difference
Current YTD	385,521.21	Previous YTD	503,114.03	(\$117,592.82)

The Solicitor’s Report is on file in the Manager’s Office.

The Engineer’s Report is on file in the Manager’s Office.

(9-183) MOVED FIALLA-COSTA to authorize the engineer to develop specifications and cost estimates to dredge Chalfont Run and Saw Mill Run; and to pursue cooperative agreements with other agencies to aid in this work and the funding of the work. The motion was adopted by unanimous roll call vote.

(9-184) MOVED SZOKO-FIALLA to approve the payment of the schedule of bills, as presented in the amount of \$227,187.16. The motion was adopted by unanimous roll call vote.

ORDINANCE NO. 997

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING THE WILKINS TOWNSHIP ZONING ORDINANCE, NUMBER 542 OF 1973 AS AMENDED, AND THE WILKINS TOWNSHIP CODIFIED BOOK OF ORDINANCES, CHAPTER 173, ZONING, TO PROVIDE AN AMENDED DEFINITION OF DWELLING TO ALLOW FOR PERMANENT OCCUPANCY IN ZONING DISTRICTS R-1, THROUGH R-4, RC-1, C-1 AND M, AND TRANSIENT OCCUPANCY IN ZONING DISTRICTS RC-1, C-1 AND M, AND TO PROVIDE FOR A DEFINITION OF PERMANENT OCCUPANCY AND TRANSIENT OCCUPANCY.

(9-185)MOVED PADULA-COSTA to read Ordinance #997 for the first time, by title only.

(9-186)MOVED PADULA-FIALLA to accept the first reading of Ordinance #997.

(9-187)MOVED PADULA-COSTA to read Ordinance #997 for the second time by title only and to accept the second reading of Ordinance #997.

(9-188)MOVED COSTA-SZOKO to adopt Ordinance #997.

Motions 9-185 through 9-188 were adopted by unanimous roll call vote.

(9-189)MOVED FIALLA-SZOKO to authorize the Manager to correspond with Ridgewood Manor Association and advise that at this time, the Board of Commissioners is rejecting their offer to donate five acres of land located behind Ridgewood and Gilcrest Drives to be used for recreational purposes. The motion was adopted by unanimous roll call vote.

(9-190)MOVED FIALLA-PADULA to ratify the action of the Manager appointing Hilarie Alberico of 109 Hawthorne Drive to the position of Linhart Park monitor for the summer lunch program at an hourly rate of \$8.00. The motion was adopted by unanimous roll call vote.

RESOLUTION NO. 9-2009

A RESOLUTION OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA AMENDING AND CONSOLIDATING RESOLUTION NUMBER 11-2006, AS AMENDED BY RESOLUTION NUMBERS 01-2007, 09-2007, 12-2008 AND 03-2009 TO INCLUDE FEE SCHEDULES FOR VARIOUS PERMITS AND SERVICES PROVIDED BY THE TOWNSHIP OF ADDING FEES FOR THIRD PARTY ELECTRICAL INSPECTIONS.

(9-191)MOVED PADULA-COSTA to read Resolution #9-2009 by title only. The motion was adopted by unanimous roll call vote..

(9-192)MOVED COSTA-PADULA to adopt Resolution #9-2009. The motion was adopted by a 4 to 1 vote with Mr. Szoko voting “NO”.

(9-193)MOVED COSTA-PADULA to authorize the donation of \$200.00 to the Sheriff’s Auxiliary for the details provided for the Summer Festival. The motion was adopted by unanimous roll call vote.

(9-194) MOVED PADULA-FIALLA to authorize a settlement with Procare Pharmacy Direct, Inc., as a result of Procare’s petition for refund of mercantile and business privilege taxes for the years 2002, 2003, 2004, 2005, 2006, 2007 and 2008 as well as business privilege tax, mercantile tax, OPT/EMST/LST for the years 2000-2008 in the sum of \$1,533,373. (payable to the Township by Procare) subject to the execution of a settlement agreement by the parties. The motion was adopted by unanimous roll call vote.

RESOLUTION NO. 10-2009

A RESOLUTION OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE FILING OF AN APPLICATION FOR FUNDS WITH THE ALLEGHENY COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT.

(9-195) MOVED PADULA-COSTA to read Resolution #10-2009 by title only.

(9-196)MOVED PADULA-COSTA to adopt Resolution #10-2009.

Motions 9-195 & 9-196 were adopted by unanimous roll call vote.

Commissioners' Comments:

Commissioner Szoko stated that he had an opportunity to speak with Louie Calabria of Kratsa Properties, who now have the controlling interest in the former Showcase Cinemas property, and Mr. Calabria stated that they are almost ready to begin development with a projected completion date of September, 2010; also, stated that he believes that the flood creates a crisis situation and that the Board needs to act with urgency to avoid a mass exodus of businesses and residents and made the following motion:

(9-197)MOVED SZOKO-FIALLA to authorize the transfer of \$200,000. from the Emergency Contingency Fund, \$250,000. from the Procure Escrow Fund and \$50,000. in accumulated interest from the Procure Escrow Fund to be set aside in a Flood Control Fund for use for flood issues, contingent upon the receipt of a settlement agreement and payment from Procure. The motion was denied by a 3 to 2 vote with Messrs. Costa, Padula and Wilson voting "NO".

Commissioner Padula thanked everyone involved in the flood relief effort, including Woodland Hills Emergency Services, the Wilkins Township Volunteer Fire Departments, Public Works and Police Department; stated that he disagrees with Mr. Harrison's comments that this Board has not taken any action to mitigate flood damage; asked that residents do not hold him personally responsible because the Township received four inches of rain in an hour, which is why the Township flooded; commented that without recreational activities for the residents, the residents would move out – recreation is one of a number of important services that the Township provides for its' residents; commented that there are 7,000 people in Wilkins Township and of that number, approximately 129 residents were affected by the flood; thanked Rebecca Bradley for her efforts in negotiating a settlement agreement with Procure in the Township's best interest; thanked Paul Vargo for his quick thinking in using the Township's dump trucks, loaded with reclaimed asphalt for weight, to rescue residents during the flood and for clearing the streets of silt and mud following the flood; thanked Chief Krancic and his officers for all that they did during the flood; congratulated Chief Krancic on his promotion to Chief; thanked the Recreation Advisory Board and all the volunteers who contributed to this year's Summer Festival for all of their effort and hard work, despite the weather and stated that he has no problem putting aside funds for flood initiatives, but believes that the funds must be received first and the budget studied to determine the appropriate amount to set aside without affecting other core services in the municipality.

Commissioner Fialla stated that she would ask that everyone please patronize the following businesses who made donations to flood victims: Home Depot, Sears, Shop-n-Save, Kuhn's Market, Sam's Club and Wilkinsburg Penn Joint Water Authority; stated that after watching the way that the residents of the community came together to help each other over the last several weeks, she is proud to represent the people of Wilkins; thanked the Volunteer Fire Companies, Woodland Hills Emergency Services, Wilkins Township Police Department and Public Works employees, management and Mr. Hill for all of their hard work during and following the flood; thanked Mr. Fichera and the USACE for their efforts and for coming to the meeting this evening to speak with the residents; and stated that this is a shared problem which requires everyone to come together to resolve it.

Commissioner Costa congratulated Chief Krancic on his promotion; thanked Mr. Fichera for attending the meeting this evening; thanked Rebecca Bradley for negotiating the Procure settlement; thank the Public Works Department and the Volunteer Fire Companies for their efforts during the flood; and stated that he also is not against setting aside funding to provide for flood projects, but believes that prior to doing so, the Township needs to have a plan. DEP permits needs to be in place as well as releases from property owners and cost estimates from the engineer; also clarified that the work done on the Community Center was not funded by the taxpayers, but through grants

applied for and received by the Township and commented that the Summer Festival is one of few ways that the Township's nonprofits have an opportunity to fundraise each year; and thanked everyone for staying through the entire meeting this evening.

Commissioner Wilson stated that there are a lot of people to thank – Cheryl Stanton for her efforts in aiding displaced victims the night of the flood, Ron Bair and Len Hill for their work with the Pennsylvania Emergency Management Agency and the County of Allegheny; stated that he admits that the Township has neglected the creeks, but from now on, we will not take no for an answer again; stated that as everyone knows, he will not tell you what you want to hear just because you want to hear it, he'll tell you what we are going to do and what we can do and we are going to do something to stop this flooding.

(9-198)MOVED FIALLA-COSTA to adjourn. The meeting was adjourned at 10:55 pm.
The motion was adopted by unanimous roll call vote.

Respectfully submitted,

Rebecca Bradley
Secretary