

WILKINS TOWNSHIP BOARD OF COMMISSIONERS

SPECIAL MEETING , MONDAY, OCTOBER 3, 2011

A Special Meeting of Monday, October 3, 2011 was brought to order at 6:00 PM by President Sylvia J. Martinelli. A quorum was present as follows:

Mrs. Martinelli		Ms. Fialla
Mr. Padula	Mr. Costa	Mr. Szoko

Purpose:

The purpose of this Special Meeting of the Board of Commissioners was to hear the recommendation of the Solicitor and the Engineer in regard to whether or not the Township of Wilkins should assume the indemnity clause in the Contribution Agreement between the Municipality of Penn Hills and the PA Department of Transportation and whether the Township should assume the maintenance of a new storm water system (520 +/-lineal feet of new 18” pipe, 5 catch basins and one manhole) all in relation with the installation of a traffic signal at the intersection of Rodi Road and Maple Lane. Penn Hills has agreed to be the Highway Occupancy Permit Applicant and Wilkins Township has agreed to be the permittee for the traffic signal.

Prior to hearing the recommendation of the Solicitor, Mr. Daniel Cessna, Manager, PA Department of Transportation, District 11, advised the Board that they were removing the indemnification clause from the Contribution Agreement with Penn Hills and it was, therefore, no longer necessary for the Township to consider assumption.

Mr. Rushford previously provided the Board of Commissioners with his written recommendation as it pertained to the maintenance of the storm water facilities. He believed that Commissioners needed to weigh the liability of ownership with the risk associated with VoCollect moving out. He recommended that the Board not approve this transaction without approval from the insurance carrier as to coverage for maintenance and repair. He also questioned whether or not insurance would be available to cover Public Works employees who would be required to work on these facilities. Mr. Rushford modified the proposed Intergovernmental Agreement between Wilkins and Penn Hills to state that Penn Hills would hold Wilkins harmless for the care and control of the facility.

Ms. Yon also provided her written recommendations to the Board prior to the meeting. She believes that the storm water design is technically sound, but the calculations provided were for a 10 year storm and the Township’s ordinance requires a 25 year storm calculation. However, Ms. Yon does not believe that those new calculations would establish a different result because the amount of additional runoff associated with this development is minimal. As a condition of the approval, Ms. Yon requested that the developer provide the township with additional information as to the location of the points of connection and if it is determined that there are existing issues at these locations, that they are addressed by the developer.

Mrs. Bradley advised the Board that the Insurance Carrier, Selective would not provide insurance for assets that are not owned by the Township and therefore, the only way that the storm water facilities would be insured would be for the Township to physically own them. In addition, Mrs. Bradley provided information as to the annual tax payment that the Township receives from VoCollect. (\$21,250 in mercantile and local service tax and \$32,200 in real estate taxes).

Mr. Cessna and Mr. Brosnan believed that Penn Hills would not have a problem with the Township owning the storm water facilities.

(238-11) MOVED COSTA - PADULA to authorize the Solicitor, Manager and Engineer to move forward with obtaining ownership of the proposed new storm water facilities (pipe, catch basins and manhole) for the Rodi Road / Maple Lane Traffic Signal Project and to enter into agreements with the appropriate entities for this project, contingent upon Paragraph 8 of the contribution agreement between the PA Department of Transportation and Penn Hills being deleted and upon receipt of approval of the Wilkins Township insurance carrier of ability to insure. The motion was adopted by unanimous roll call vote.

Commissioners' Comments:

Commissioner Martinelli announced that the Board of Commissioners, upon adjourning the meeting, would be meeting in Executive Session to discuss an item of litigation and would not be returning for a vote.

(239-11) MOVED PADULA - FIALLA to adjourn. The meeting was adjourned at 6:30 PM. The motion was adopted by unanimous roll call vote.

Respectfully submitted,

Rebecca Bradley
Secretary