



PUBLIC HEARING – CHARTER HOMES

The meeting was called to order at 7:52 PM by Commissioner Horowitz at the South Fayette Township Building, Morgan, PA 15064.

PRESENT: CARDILLO, PITETTI, HOROWITZ, RODI, MALOSH

ALSO PRESENT: Township Solicitor: Jonathan Kamin; Township Manager: Ryan Eggleston; Township Administrative Assistant: Peggy Patterson

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Fred Cardillo of 3128 Robinson Run Road talked about the agenda item that would renew the contract his family farm has with the township. He explained how important farming is to the community and that he will be working with Jamie Campbell during this 5-year period. He has been farming on township property since 1975 and would like to continue.

CORRESPONDENCE

A. LETTER FROM COLUMBIA GAS

B. PML LETTER

Mr. Eggleston – In the interest of time, neither of these items need to be highlighted at this time, unless there are any questions.

CONSENT CALENDAR ITEMS

A. APPROVAL OF MINUTES

It was moved by PITETTI and seconded by MALOSH with all members present voting AYE to approve the minutes from the February 10, 2016 meeting.

B. PAYMENT OF THE BILLS

It was moved by PITETTI and seconded by CARDILLO to pay the February bills. All members present voted AYE to the motion.

C. DECEMBER FINANCIALS

D. MONTHLY POLICE REPORT

It was moved by CARDILLO and seconded by PITETTI to accept the December Financials and the Monthly Police Report. All members present voted AYE to the motion.

OLD/UNFINISHED BUSINESS

A. DISCUSS AND CONSIDER ORDINANCE 3 OF 2016 - ND DISTRICT

Mr. Kamin – This is the ordinance which we had the public hearing for. This is whether or not the board wants to create the ND District or Neighborhood District, which would allow for different land uses that Charter Homes has proposed. We have worked with staff and the applicant for the better part of eight months. I apologize that we just received this preliminary report tonight, but they did not get the school board's information until yesterday. If the board decides to adopt the ordinance, then the next one would be the change to the zoning map. That is not the approval of any project. They still have to submit a master plan, and various uses would need to be approved. The applicant has some close to finished plans that they would be submitting in short order. This is just the first step. The board can vote yes, no, or table it if you need additional information.

Commissioner Horowitz – We have diligently tried to work with the school district to come to a mutual understanding. We got a report from Fourth Economy which confirmed what Charter has been saying all along. Charter Homes has done everything that we have asked them to do, working with staff and the board. I think this is in the best interest especially considering the litigation over Fairview Park. We would get the subsurface rights also. I think at this point the best thing to do would be to pass this ordinance.

Commissioner Pitetti asked if the school district had received a copy of the preliminary report yet and he was told by Mr. Kamin that he does not believe they did.

Commissioner Cardillo asked if there was a meeting set with the sub-committee of the school board and was told that there is no date set at this time.

Commissioner Rodi – They did have an opportunity to attend this meeting. They knew there was a public hearing.

Commissioner Cardillo – I agree, but I feel like I have more questions for the school board now. My overall concern is that I saw the school board asked for more money in their budget.

Commissioner Malosh – I don't want to delay, but I need a bit more time digesting this report before I agree to rezoning the property.

They discussed the next Fairview Park litigation hearing before Judge Delvecchio being

April 12th. They talked about getting the final (confirmation of the preliminary report) report and having Fourth Economy attend the continued meeting. Commissioner Cardillo asked if we could make sure the school board knows about the continued meeting.

It was moved by CARDILLO and seconded by RODI to table Ordinance 3 of 2016 – ND District to a continued meeting on Wednesday, March 16 at 6:00 PM. All members present voted AYE to the motion.

B. DISCUSS AND CONSIDER ORDINANCE 4 OF 2016 – ZONING MAP

It was moved by RODI and seconded by PITETTI to table Ordinance 4 of 2016 – Zoning Map to a continued meeting on Wednesday, March 16 at 6:00 PM. All members present voted AYE to the motion.

C. BOND REFINANCING (TABLED UNTIL APRIL)

It was moved by MALOSH and seconded by RODI to table the bond refinancing until April. All members present voted AYE to the motion.

D. DISCUSS AND CONSIDER THE ZHB ALTERNATE AND EAC MEMBER APPOINTMENTS

Mr. Eggleston – After staff review and interviews, the staff would like to recommend Lynn Robb for the ZHB Alternate position and Bill Blakemore for the EAC member.

It was moved by PITETTI and seconded by MALOSH to appoint Lynn Robb to the ZHB Alternate position.

ROLL CALL:

PITETTI, HOROWITZ, RODI, MALOSH – AYE
CARDILLO – ABSTAIN

Motion Passes 4:1

It was moved by PITETTI and seconded by MALOSH to appoint Bill Blakemore to the EAC board.

ROLL CALL:

PITETTI, HOROWITZ, MALOSH – AYE
CARDILLO, RODI – ABSTAIN

Motion passes 3:2

NEW BUSINESS

A. DISCUSS AND CONSIDER NOVEMBER TAX REFUNDS

Mr. Eggleston – Just for housekeeping, we would recommend approval from the board.

It was moved by PITETTI and seconded by CARDILLO to approve the November tax refunds. All members present voted AYE to the motion.

B. DISCUSS LETTER FROM COMCAST

Mr. Eggleston – This is the commencement of the renewal process, a 626 letter, which means renegotiation of our Comcast agreement will be coming up in the next couple of years.

C. DISCUSS AND CONSIDER PP-01-16 PRELIMINARY SITE MASTER PLAN, MILLERS RUN ROAD AND HICKORY GRADE ROAD, ZONED C-2

JP Morgan, from Horizon Properties – We are proposing to create a 4-to5-story office building, a 5-to 6-story hotel, and retail/restaurant one-story spaces. We have gone through the Planning Commission to look at parking and ordinances, and we are asking for preliminary approval. We will bring in a final plan and then plans for each phase of the process.

It was moved by MALOSH and seconded by RODI to approve PP-01-16 Preliminary Site Master Plan, Millers Run Road and Hickory Grade Road, Zoned C-2 contingent on the Planning Commission recommendation letter. All members present voted AYE to the motion.

D. DISCUSS AND CONSIDER F-04-16 R. SNOW PLAN OF LOTS, CONSOLIDATION PLAN, HOOK STREET, ZONED R-4

Mike Benton, Township Engineer – The property is in one of our older neighborhoods. It is a consolidation of 12 slivers of lots to make one big lot to build a single-family house. The owner has requested two waivers, one to not set concrete monuments because there are already iron pins there. The second waiver is to allow his access to be through the existing alley which means he would not have frontage on a public or private street.

Ross Snow, 606 4th Avenue – Represented by attorney William Ball of Fiscus & Ball.

Mr. Kamin – This property has a question as to the access through yards, paper streets, private streets... We heard from the neighbors and determined it was a private dispute between the parties.

Commissioner Horowitz asked if anything they would act on tonight would have any bearing on that private dispute.

Mr. Kamin – It may or may not, but I don't think it is relevant. The question I have for Mike Benton, other than the waivers they asked for: Does it comply with our ordinances and does it meet the necessary requirements of the township?

Mr. Ball – There are only two possible points of access. For the record, 6th Avenue on my client's subdivision is a paper street. It doesn't exist. His only point of access is the alley. I realize it is only 15 feet, but it is currently being used by my client and by others.

Mr. Kamin explained about paper streets remaining a private street. He said the waivers they asked for are discretionary, and the board can grant them or not. The Planning Commission recommended both being granted.

John Lakoskie, Attorney for the Usniks and the Scotts, each of whom own half of Oak Alley - The applicant has represented to you that there are no parts of your ordinances that are not being complied with. There are actually numerous parts of your ordinances that are not being complied with. First, the ordinances require a 20-foot right-of-way for utilities; he has the utilities going right down Oak Alley, which is only 15 foot. Your ordinance also says that an alley cannot be a public or private street and can only function as a secondary access to a lot.

There was further discussion about this issue, and the board asked for more time to review the issues on both sides.

It was moved by MALOSH and seconded by RODI to table F-04-16 R. Snow Plan of Lots, Consolidation Plan, Hook Street, Zoned R-4. All members present voted AYE to the motion.

E. DISCUSS AND CONSIDER CU-03-16 NEWBURY MARKET SIGNAGE MASTER PLAN, CONDITIONAL USE APPLICATION, 1000 PRESTO-SYGAN ROAD, ZONED PED

Eric Newhouse, EQA Landmark Communities/Newbury Project Manager – We are prepared to proceed with the construction of our marquee sign. The sign will identify the name of the development, South Fayette, and the tenants of the development. Before we can obtain a permit for this one individual sign, we need to submit a master signage plan. The Planning Commission recommended approval.

Mr. Eggleston – The old 84 Lumber sign will come down and be added to their marquee sign.

They discussed the location and the height of the sign.

Mr. Newhouse – This is approval of the master signage plan. I will be back next month because we have to have a public hearing for the conditional use approval of this sign. We are proposing three welcome signs: one at the entrance off of Rt. 50, one at the back entrance off of Presto-Sygan Road and the other sign will be near the area that is

currently the soccer fields. Each of the blue dots represents an on-site directional sign. The purple dots are parking lot identification signs so people can find their cars easily. The orange dots represent the name of the roads in the development.

Mr. Kamin asked if a highway occupancy permit is required and said if so, Newbury would need to request one.

It was moved by PITETTI and seconded by RODI to approve CU-03-16 Newbury Market Signage Master Plan, Conditional Use Application, 1000 Presto-Sygan Road, Zoned PED contingent on the Planning Commission's recommendation letter and subject to them obtaining all applicable permits. All members present voted AYE to the motion.

F. DISCUSS AND CONSIDER RESOLUTION 5 OF 2016, HEALTHY TRAILS COMMITTEE

Mr. Benton – Other people are invited to attend the meetings of the committee, but the ones listed there will be the voting members. Our mission and vision statements will be attached to the resolution.

It was moved by PITETTI and seconded by MALOSH to approve Resolution 5 of 2016, Healthy Trails Committee. All members present voted AYE to the motion.

G. DISCUSS AND CONSIDER MEMORANDUM OF AGREEMENT BETWEEN THE SFT POLICE ASSOCIATION AND SFTWP

Mr. Eggleston – Police Chief, John Phoennik and I have been working on a trial run of the 12-hour schedule that the unit brought to us as an opportunity to try and increase efficiency and manpower on shifts. We are pleased with how it is going and will give it a good trial run for 24 months. It would be our recommendation to approve the agreement.

Mr. Kamin – This is an interim, non-precedential situation so when the contract comes up, we could go any direction we choose.

It was moved by CARDILLO and seconded by PITETTI to pass the memorandum of agreement between the SFT Police Association and SFTWP. All members present voted AYE to the motion.

H. DISCUSS AND CONSIDER LEASE DOCUMENT FOR FIELDHOUSE BUILDING AT FAIRVIEW PARK

Matt Giglotti and Shawn McCall of Southpointe Fieldhouse put on a presentation regarding the proposed Fieldhouse B\building to be relocated to Fairview Park.

They are going to work on putting together a lease and sending it to the township solicitor to look over.

I. DISCUSS AND CONSIDER REFERRING THE ZONING CHANGE REQUEST TO THE PLANNING COMMISSION REGARDING PROPERTY ON WASHINGTON PIKE

Mr. Eggleston – This is a new request we got related to property on Washington Pike near the Bursca Business Park entrance. The request is to rezone from residential to commercial, and as part of the process the board needs to send it on to the Planning Commission.

Judy Brazilli is representing her mother Katherine Rosey, who is one of the owners of the property.

It was moved by MALOSH and seconded by RODI to refer the zoning change request to the Planning Commission regarding property on Washington Pike. All members present voted AYE to the motion.

J. DISCUSS AND CONSIDER SETTING THE 2016 FIREWORKS TIME AND DATE

Mr. Eggleston – The location is changing, so we have locked in with the fireworks companies to shoot off at Fairview Park. We have the opportunity to work with Upper St. Clair on the 4th of July. People can park at Upper St. Clair’s rec facility where they have almost 1,000 spaces. We would also be able to have some crowd space at Fairview. We will be able to have a much larger show together with Upper St. Clair. Staff would recommend approval.

It was moved by PITETTI and seconded by MALOSH to set the fireworks time and date for July 4th to be a joint show with Upper St. Clair. All members present voted AYE to the motion.

K. DISCUSS AND CONSIDER CARDILLO FARMING AGREEMENT

Mr. Eggleston – Our latest agreement of five years expires next month. Now that we are developing 20 acres at the Boys Home Park, that will come off of the farm acreage. We adjusted the lease down about \$100.00 in our annual payment. The Hormels are no longer going to farm, but Jamie Campbell will be helping Fred Cardillo. The staff recommends approval of the farming agreement for five years.

Commissioner Malosh – I did not have time to look through this. Would this be problematic to shoot to next week’s meeting?

Mr. Eggleston – It would not be problematic, but we would recommend approval. The benefit to the township is that we do not have to brush the property every couple of years.

There was further discussion about this at this time.

It was moved by MALOSH and seconded by RODI to table the Cardillo Farming Agreement until the continued meeting next week.

ROLL CALL:

MALOSH, RODI, HOROWITZ – AYE
CARDILLO – ABSTAIN
PITETTI – NO

Motion Passes 3:1:1

L. DISCUSS AND CONSIDER REQUEST FROM HORIZON

Mr. Kamin – The developer has requested an extension of 120 days to their due diligence period. We are recommending that we proceed forward with it. There are reports that have come up as part of their review that we need to look at. We have talked to our consultant, and I think we both will need some time.

It was moved by MALOSH and seconded by RODI to extend the due diligence period for an additional 120 days from its expiration. All members present voted AYE to the motion.

LIAISON REPORTS

Commissioner Cardillo – Sturgeon Block Watch is fully up and running. We are looking to expand that into Morgan.

Commissioner Horowitz – Solicitor Kamin was in front of the PA Supreme Court again today arguing some aspects of Act 13. It sounds like it was a very productive day in court.

There is now a safe zone in front of the police station where you can come and make transactions with people you have met over the internet or over the phone. Everything is on video tape, which is a good idea to keep our residents safe.

The new list of activities has come out, and Paula Simmons has done a great job having a great list of activities in the township to participate in. We definitely need more space for those activities, and we are desperately working on finding more space.

MANAGER'S REPORT

A. INTERNET PURCHASE EXCHANGE

Mr. Eggleston – Thanks to Commissioner Malosh, who was the first person I know to say we should look at this idea. This Facebook post has gotten responded to more than anything else we have posted. It had 1,600 shares, 2,900 likes, 261 comments and reached over a quarter of a million on Facebook. Thanks to Commissioner Malosh for the idea.

B. POLICE PENSION, NON-UNION PENSION, AND 457 PLAN SERVICES

C. APRIL MEETING – MS4 TRAINING BY LSSE

Mr. Eggleston – Lennon Smith Souleret will have a brief presentation for elected officials so you can be certified on the MS4 training and dealing with storm water and the federal regulations.

D. APRIL MEETING – WASTE MANAGEMENT RECYCLE PRESENTATION

Mr. Eggleston – Waste Management will be in for a presentation of the new recycling program rolling out in May. The recycling carts will be picked up by an automated arm on the trucks.

E. MAGAZINE UPDATE

Mr. Eggleston – Andrea Iglar apologizes for not being here, but we are excited that the inaugural edition of the magazine is in production and should be hitting mailboxes the first week of April. The amount of content that we are going to share is much more than our previous publication.

I have one personnel matter and two items related to potential land acquisition for Executive Session, none of which require action from the board.

SOLICITOR’S REPORT

Mr. Kamin – The PA Supreme Court remanded four issues back to the Commonwealth Court for further instruction. One of those was, what is the role of the PUC now that a good portion of the act has been eviscerated. Number two was a question on whether the DEP has to notify people on private land if their water has been contaminated. Number three was a question as to what is the appropriateness of conferring eminent domain for storage rights. Number four was the question of what is the appropriateness of constitutionality allowing companies to not disclose to physicians the chemicals that patients may have been exposed to. The issues before the court were well received. The court was very interested in this and they seemed to focus on the issues of private vs. public water contamination. We are trying to find a rational basis for people on private water who do not have to be notified by the DEP if their water has been contaminated. There are over three million that have private water in the commonwealth. That is a

serious issue, and I want to thank the board for allowing us to work through these issues, not only for South Fayette but for the whole commonwealth.

I have two issues for Executive Session; one is the potential land purchase that Ryan has, and the other one is a potential settlement related to the Kosky litigation on the comprehensive plan.

Mr. Eggleston – I have two items for new business that were not on the agenda. We were just able to confirm the numbers today. We have a 1999 Ford F550 dump that has been giving us the most troubles of our fleet, and I would like to ask the board for two separate motions. The first would be to sell that vehicle via Municibid. We think we can generate about \$10,000 to \$15,000 for that sale. The second item is a motion to purchase a new 2016 Ford F550 dump with aluminum bed via the COSTARS program and to use money from our capital fund to make that purchase not to exceed \$77,000. This item was not budgeted in the 2016 budget, but with the issues we have had with that vehicle, we think this would be a good time to make that purchase.

It was moved by MALOSH and seconded by PITETTI to approve selling the 1999 Ford F550 dump via Municibid. All members present voted AYE to the motion.

It was moved by MALOSH and seconded by PITETTI to approve the purchase of a new 2016 F550 dump with aluminum bed via the COSTARS Program not to exceed \$77,000. All members present voted AYE to the motion.

PUBLIC COMMENT - None

EXECUTIVE SESSION & ADJOURNMENT

It was moved by PITETTI and seconded by MALOSH to adjourn to Executive Session, not to return. All members present voted AYE to the motion.

Ryan Eggleston, Township Manager

Joseph Horowitz, President

Date

Date