

**MINUTES  
SCOTT TOWNSHIP  
BOARD OF COMMISSIONERS  
301 LINDSAY ROAD, MAIN MEETING ROOM  
SCOTT TOWNSHIP, PA 15106  
AGENDA MEETING  
September 13, 2016**

The meeting was called to order by President Giudici at 7:30 p.m. He then led all present in prayer and pledge to the flag.

**Roll Call:**

Frank W. Bruckner	Present
Thomas M. Castello, Esq.	Present
Eileen L. Meyers	Present
Patricia A. Caruso	Present
David A. Jason, Vice President	Present
Stacey Altman	Present
David G. Calabria	Present
William Wells	Present
Donald W. Giudici, C.P.A., President	Present

PRESENT - 9

ABSENT - 0

ALSO PRESENT: Robert McTiernan, Esq., Solicitor, Tucker Arensburg, PC  
Lawrence J. Lennon, P.E., Lennon, Smith, Souleret Engineering  
Randy Lubin, Director of Public Services  
Robert f. Fischer, Building Inspector/Code Enforcement Officer  
Denise H. Fitzgerald, Secretary – Manager  
Lisha Mihalko, Assistant Secretary  
Chief James Secreet

**Public Comments on Agenda Items Listed Below**

To be addressed at the beginning of each Committee report

**Planning, Zoning and Code Enforcement**

Discuss the appeal of the Zoning Hearing Board ruling for the parking variance of boats, trailers, and box trucks. (William Wells).

Thomas Drobycki  
5 Wynnecliff Dr.

Mr. Drobycki advised that he was disappointed in the results of the ordinance. He has been looking at these box trucks parked in the driveway of individuals and would like it stopped. Mr. Drobycki feels that the township should appeal the ruling. He feels that the township put it on the residence because no one ever complained about the box truck. However, there was no ordinance involved therefore; there was nothing to complain about. Mr. Drobycki asked the board to reconsider.

Mike Kilmas  
9 Wynnecliffe Dr.

Mr. Kilmas stated that the box truck is a warehouse, it is a massive truck and he feels that it is not right for a residential area. Mr. Kilmas stated that the neighbors have been trying to tell people, but apparently they were all telling the wrong people. They went to their commissioner Mr. Wells about this issue, but no one would listen to Mr. Wells. Mr. Kilmas has to look at the box truck on a daily basis as the owner lives 2 houses down from him. He doesn't feel that its right, it is decreasing the values of the adjacent properties around this house and that is not fair. Mr. Kilmas feels that the board should reconsider.

Ms. Pat Battaglia  
639 Lindsay Rd.

Ms. Battaglia asked the board why the township spends thousands of dollars to enforce these codes if they are not going to enforce the ordinances why does the township need to pay for a code enforcement officer.

Mr. Wells asked if he could comment. Mr. Guidici advised that he could.

Mr. Wells stated he feels that the board needs to consider appealing this ruling. He can see where things can be grandfathered in, but when you have a moving vehicle you should have to remove it for good. It doesn't look good in our township. Mr. Wells stated that you have to show a real hardship to get a variance Mr. Wells feels that is not a hardship. He feels that the board should plea to the County. The township pays all this money for the ordinance so the Commissioners should reconsider this ruling. Can it be appealed McTiernan?

Mr. McTiernan said that legally you can appeal it. Mr. McTiernan stated that he wasn't at the hearing, but from his understanding is that the townships zoning board finds it as none conforming use. Therefore, you would be ruling that the judge turn over the findings and facts and that he has been using the box truck in that fashion since prior to the ordinance. By law a zoning board has to ask for a transcript. The zoning board by law must be represented by someone other than the townships solicitor.

Mr. Jason stated that there was a female who came to one of the meetings. There was a property next to her that became a landscaping company and the landscaping company left for a little while and when they tried to come back they couldn't.

Mr. McTiernan said they had to prove that there was ongoing use. Mr. McTiernan stated that this resident also cannot expand on the use of the trucks either. He cannot go out and get more trucks and continue to add to the truck he already has.

Mr. Bruckner asked if the case was denied on a non conforming use or was it denied based a variance.

Mr. Wells said he thought it was a variance.

Mr. McTiernan stated that it was not a variance. His understanding was that it was denied on nonconforming use.

Mr. Bruckner stated that is his point. He won off of nonconforming use, not on a variance. The law is clearly on his side.

Mr. Wells stated that all those people who were notified that they had to move their trailers, can now put them back.

Mr. Bruckner said that is not what we are saying.

Mr. McTiernan stated that they had to prove that the vehicles were there prior to the ordinance taking place.

Mr. Bruckner stated that he was on the zoning board for over a decade and this resident was granted because of the nonconforming use.

Mr. Wells stated that the trailers and boats are coming back. There are people that have had their boats and trailers parked at their house prior to the ordinance being granted and they moved them thinking they were in violation of the law.

Mr. Castello said that once you abandon it, you can't bring it back. They didn't appeal it.

Mr. McTiernan stated that if the individual can prove under oath that the vehicle was not there for the past 5 years.

Mr. Wells said that they got their notices in the spring. Mr. Wells continued to explain that he has had a wooden trailer parked behind his truck bed for 11 years now. When the notice went out he moved it thinking he was in violation of the law. He confirmed to the board that he can now bring that trailer back.

Mr. Bruckner said that is not what we are saying.

Mr. Wells said 'yes it is'.

Mr. Bruckner said 'then do it, see if he cites you'.

Mr. Wells said that he would and then he will appeal it like everyone else.

Mr. Bruckner stated that he was a chairman on the Zoning Hearing board for over a decade and he can clearly see that the law is on this resident's side. It wouldn't be worth the township's time to appeal the case.

Mr. Wells stated that this resident did get a longer truck about 7 or 8 inches longer and higher. It's about 3 times the size of a mail truck.

Mr. Bruckner asked why this is just coming up now.

Mr. Wells stated that the board passed this ordinance saying he wasn't allowed to have it.

Mr. Bruckner asked why he hasn't complained about it previously.

Mr. Wells stated that he has.

Mr. Bruckner said to who because this is the first I'm hearing of it.

Mr. Wells responded with Mr. Fischer. He continued to say to Mr. Bruckner that he wouldn't know because he has not been here that long.

Mr. Bruckner said 'as I stated 3 times, I was part of the zoning hearing board for over a decade'

Mr. Calabria asked if there was an alternative, can the township go after the weight limit of the vehicle or the size of the vehicle. If it is causing an obstruction then why can't the board go after that. If it's a safety issue the board should have the safety committee look at it.

Mr. Jason said he feels that the board should be careful if they feel they should appeal the case. He proceeded to explain a previous issue where the township tried to appeal a case and the appeal was denied.

### **Solicitor's Report**

Mr. Bob McTiernan advised that he did write a letter to Steven Labash who is the legal owner for Berkwood Dr. He spoke with Mr. Todd Tulowitzki and they worked on getting the citations completed. If there are no results the township will have to try something else including litigation.

Mr. McTiernan also stated that the drafted agreement for Mr. Furtunato is almost completed, Mr. McTiernan just has to work with the township engineer to see if he has any other suggestions. Mr. McTiernan feels that the letter drafted has a good structure thus far which will release Scott Township and all the commissioners and employees of all liability.

Mr. McTiernan addressed that a final letter to Stoneridge giving them a dead line will go out next.

## **Engineers Report**

**Discuss** request for Partial Payment No. 1 (Final) for Contract No. 15-D1 (CD 41 3.11.5) Structure Demolition for 310 Duncan Way. Work completed has been reviewed and recommend final payment in the amount requested of \$5,600.00. (To be paid by SHACOG).

Mr. Lennon advised that the board would vote on this during their next meeting.

**Discuss** approving payment to Allen Demolition, LLC in the amount of \$10,000.00 for the demolition of 636/638 Idlewood Ave. (To be paid from the General Fund).

Mr. Wells asked Mrs. Fitzgerald if this cost was in the budget.

Mrs. Fitzgerald responded back with 'Yes'.

Mr. Guidici advised to place these items on the agenda for their next voting meeting.

Mr. Lennon Engineering report below:

## **September 2016 Engineering Storm and Sanitary Sewer Report**

### **ALCOSAN GROW**

The Township has been invited to a meeting this Thursday to further discuss the application.

### **O & M Plan**

Review of the CCTV work completed by Jet Jack, Inc. last year has been completed. LSSE met with the Director of Public Works to review the findings and develop a list of repairs for this year's program as well as items deferred to next year. Authorization to proceed to bidding for this year's scope is requested.

### **Written MCM Plans**

LSSE has prepared the final draft of the new written plan. LSSE to meet with Township staff the week of September 19, 2016 to review the draft plan and finish set up of compliance documentation binders.

### **Stormwater Pond Maintenance:**

Per MS4 requirements the following ponds are being bid out to perform the required maintenance to each which includes mowing, brush and shrub removal, cutting of trees, removal and disposal of accumulated sediment, installation of low flow channels, riprap and seeding and restoration:

- Pine Trees Drive

- Old Greentree Road
- Hope Street
- Robin Drive

Bids are to be opened on September 26, 2016 at 11:00 AM.

## **September 2016 Engineering Public Works Report**

### Spinner Field Restroom and Hope Street Park

No Change

### Deck Hockey Rink

DCNR has provided a letter dated August 26, 2016 that authorizes the Township to bid both the Playground and Deck Hockey projects.

LSSE met with Township staff on September 9, 2016 to discuss the budget for the Deck Hockey project. LSSE is preparing two separate sets of bid documents, one for the regulation size deck hockey rink and a second set of bid documents for a reduced size deck hockey rink. Once the bids have been received the Board can decide to accept or reject either bid.

### Playground Improvements

DCNR issued final authorization to bid the project on August 26, 2016. LSSE is preparing the final Advertisement for bidding.

### CDBG Year 41 Applications

301 Duncan Way Structure Demolition: All work has been completed. Final walkthrough was held on August 23, 2016 and no outstanding items were found. Contractor has submitted Partial Payment No. 1 (Final) in the amount of \$5,600.00 (Attachment A). This closes out the project.

### CDBG Year 42 Applications

LSSE transmitted the Contract documents and technical specifications to SHACOG in our letter dated September 2, 2016 (Attachment B). SHACOG to advertise bids at a future date.

### CDBG Year 43 Applications

As requested by the Township, LSSE transmitted pre-applications to SHACOG on September 8, 2016 (Attachment C) for:

- Demolition of the "THEPITT" structure, and
- Construction of a gabion wall on Short Street.

If approved, final applications will be due in mid-October.

### Chartiers Enterprises (Atlas) Land Development Plan (East Carnegie)

LSSE has reviewed shop drawings and provided construction observation for portions of the storm sewer to be dedicated to the Township over the last month.

### 2016 Roads

Contractor re-mobilized the week of September 5, 2016. Contractor is scheduled to have paving work completed by September 16, 2016. All that will remain after would be the completion of the pickle ball court and restoration work. The following are the roadways that are left to be paved:

- Orchard Spring Road – Binder placed, wearing to be placed 9/13
- Greenlawn Drive - Binder placed, wearing to be placed 9/13
- Great Oak Drive - Binder placed, wearing to be placed 9/13
- Ryan Drive - Binder placed, wearing to be placed 9/13
- Lindsay Road – Milled, Binder to be placed 9/14, Wearing to placed 9/15
- Raven Drive - Milled, Binder to be placed 9/14, Wearing to placed 9/15
- Rockfield Road - Milled, Binder to be placed 9/14, Wearing to placed 9/15

Mr. Castello asked if the pickle ball court will be done this year.

Mr. Lubin responded and stated that the poles are already up. The contractor has already been in contact with us.

#### Scott Township Pool

Stoneridge is scheduled to be on site September 12, 2016 to begin work on the punchlist items and assist the Township with initial closing of the Pool.

Stoneridge submitted a pay request on August 16, 2016 that included payment for 100% of the project and included a number of change orders that were not reviewed or approved by the Township. LSSE notified Stoneridge on August 17, 2016 that the unapproved change orders must be removed from the pay request and the retainage was to be revised to \$79,424.42 for punchlist items that have been completed. To date LSSE has not received a corrected pay request.

Mr. Lennon stated that the contractor checked the pipes. The pipe started leaking.

Mr. Jason stated that the contractor built this pool and within the first year something fails and they aren't admitting to the failure.

#### Providence Point Phase II

The developer submitted an application package for preliminary/final approval. LSSE reviewed the package in a letter dated September 2, 2016 (Attachment D). At the September 7, 2016 meeting, the Developer requested the plan be tabled until the October 2016 meeting to provide adequate time to address comments.

Mrs. Caruso asked why the contractor feels that Providence Point has enough parking spaces. Even if the residents aren't parking a vehicle they could potentially have guest.

Mr. Guidici stated that the contractor feels there is another space.

#### **Standing Committee Report - Finance**

Mr. Castello MMO pension plan they are going to be submitted to the board and we will approve at next meeting. Mr. Castello did mention that he did not have the amounts at this time.

Mrs. Fitzgerald advised that the amounts would be submitted to the board members the following day.

### **Standing Committee Report – Public Safety**

#### **Standing Committee Report – Public Works**

**Discuss** designating Monday, October 31, 2016 from 6:00 to 8:00 p.m. as Trick or Treat night in Scott Township.

Mr. Guidici stated to put this item on the agenda for our next voting meeting.

**Discuss** the request to investigate the intersection of Old Scrubgrass Rd. and Scrubgrass Rd.

Mr. Lubin stated that Mrs. Kuntz is representing her aunt Mrs. Mentz. They want to reestablish a mirror on the telephone pole at this intersection. The township would have to do it on her behalf. PennDOT is looking at possibly doing away with the mirrors.

Mr. Wells asked where this was at.

Mr. Lubin stated it was at the intersection of Scrubgrass.

Mr. Castello stated that the intersection where ‘back in the day’ we had to do some ‘line of sight’ it is at that intersection.

Mr. Wells said there are only two houses down there.

Mr. Calabria said it was where the tower is located on Old Scrubgrass. As far as the mirror, I don’t trust them.

Mr. Lubin stated that the board would have to send a request to PennDOT in order to get a mirror replaced.

### **Environmental Committee (Sewer Committee and MS4 Updates)**

**Discuss** the Community Garden Program hosted through Grow Pittsburgh. (Application due October 11, 2016).

Mrs. Fitzgerald advised that the township would need a location for the garden and an individual to manage the area.

Mr. Wells responded that Mrs. Fitzgerald could just advertise that the township is looking for an individual to manage the area.

Mrs. Fitzgerald stated that she would post an advertisement on the website. However, she still needs the information to submit for a grant.



Mr. Wells stated that Mr. Fischer would know of all the empty lots we would have in the area.

Mrs. Fitzgerald stated that the township would still need to know where the location is at and the individual name who would be managing that garden.

Mr. Jason asked if the township got the trees taken care of on Carothers.

Mr. Lubin stated that the contractor would have them done within the next 2 weeks.

Mr. Jason asked about the trees that did not make it. Several of them have died and Mr. Jason would like to know if they were going to be replaced.

Mr. Jason stated that the property on East Carnegie Rd. has been taken care of by the neighbor who lives on the Pittsburgh side. He has been cutting the grass at that property all summer. This gentleman stated that the township only came once a month to cut the grass. This gentleman was asking if there was any way the township could compensate him in anyway.

Mrs. Fitzgerald stated that there is not. It's against our union contract.

Mr. Jason stated that he doesn't feel comfortable with this neighbor cutting the grass.

Mrs. Fitzgerald mentioned that someone has to advise this individual that he has to notify the township that the grass needs cut so that way the township can get it done.

### **Parks and Recreation**

**Discuss** request from Lana Kipp for use of the fire pit and a section of the Locust pavilion for the Chartiers Valley High School Chorus students Saturday, October 22, 2016 from 5:30 to 8:00 p.m. at no cost.

Mr. Castello stated that he doesn't want to give approval for Ms. Kipp's request as she always deny's the board when the township asks if the chorus can sign during the tree lighting.

Mrs. Fitzgerald advised that Mrs. Mihalko already reached out to Ms. Kipp this year and she denied the request again for the tree lighting again for the year of 2016.

Mr. Guidici advised to place these items on the agenda for their next voting meeting.

**Discuss** request to present a proclamation for the 25<sup>th</sup> Anniversary of Mustin Chiropractic Clinic, a community business since 1991.

Mrs. Meyers stated that this company is celebrating their 25<sup>th</sup> year of being in service. She continued to stated that they have participated in numerous of events that Scott Township holds. They were always at the flea market helping out with the set up.

Mr. Guidici advised to place these items on the agenda for their next voting meeting.

Mrs. Meyers stated that the only other item she has that is not currently on the agenda is a request for a donation for Octoberfest for the Chinese Auction basket, which we have done in the past.

### **Library Liaison Report**

Mr. Guidici advised that the Library Treasurer will be submitting their budget.

Mr. Guidici Trivia night is October 14, 2016 the board has a table of 8.

Mr. Guidici stated that if you make a donation to the library this month the donations will be matched.

Mr. Guidici stated that they are going to request for carpet and painting from their 2017 budget. This will be discussed during their 2017 budget meeting.

### **SHACOG**

#### **Administration**

Discuss possible advertisement purchase for the 47<sup>th</sup> Gala Anniversary on Saturday, October 1, 2016.

Mrs. Fitzgerald stated that one of our State Representative is retiring and they would like a donation from our township.

### **Conferences and Workshops**

### **Public Comments on Items Not Listed on the Agenda**

Nancy Pacobit

2319 Old Greentree Rd.

Ms. Pacobit stated that the townshouses on Old Greentree Rd. have not had any work done. 3 weeks ago there was a lot of work being done a lot of dirt being removed from the property. Ms. Pacobit was asking if these items were within the limits of the building permit and if the steep slope ordinance is being granted.

Mr. Guidici stated that Mr. Fischer had a conversation with the developer.

Mr. Fischer stated that the developer had met with Mr. Fischer a week ago. Mr. Fischer stated that the developer did go beyond the area. Mr. Fitzgerald was cited today and the project was stopped.

Mr. Wells stated that he has the original maps. Mr. Wells is concerned with the steep slope. This area is known for the slopes slipping. The topography maps were not changed.

Mr. Bruckner asked what Mr. Wells was expecting Mr. Fitzgerald to do.

Mr. Wells said Mr. Fitzgerald shouldn't have touched them.

Mr. Castello said he got fined and he is going to restore it.

Joann Dato

Neighbor of the Fitzgerald property

Ms. Dato stated that she owns the property next to the Fitzgerald property. She stated that he removed 2 trees from her property that she asked him to remove. Ms. Dato also stated that she knows some people are not in agreement with what Mr. Fitzgerald is doing, but she talked to Mr. Fitzgerald and he is correcting everything that he has done. Mr. Fitzgerald stated that he was going to remove the dirt which he did. She stated that she knows people are worried especially those up above, but he has not graded that hill side.

Bill Barker

827 Lindsay Rd.

Mr. Barker mentioned that there is a 5 ton weight limit on Old Greentree Rd. Someone removed the weight limit sign. He is concerned that they are going to destroy the road with their heavy equipment they are bringing in there. He also stated that the hillside should be a concern. The residents didn't want this project to start because they knew this is what was going to happen. He is questioning what is going to hold his property up. The trees are the main hold for that hillside, with those trees gone now what is going to hold those properties up from above. Mr. Barker stated that the township is aware of the mines that are located under that slope.

Mr. Bruckner asked if there was more trees removed than what the board was originally talking about.

Mr. Fischer stated that there are more trees being removed.

Mr. Bruckner asked if the trees being removed were dead.

Mr. Fischer stated 'no'

Mr. Barker stated that the trees Mr. Fitzgerald removed were not dead they have grown leaves every year he has lived here. Mr. Barker also stated that the monitors were put in.

Mr. Jason stated that they were never put in.

Mr. Barker stated that they were supposed to put the monitors in there so that the township can read how much the earth moves.

Mr. Lennon stated that the plan for the monitors never got approved. The original plan that was filed was extending roads and houses and that all went away.

Mr. Barker said that was because they couldn't get fire equipment up there.

Mr. Lennon said whatever the reason was, the monitors were never put in.

Mr. Barker stated that they worked all day Saturday. The machine was pounding all day long. Mr. Barker stated that he knows what they are doing, he has been around construction long enough. Mr. Barker wants to know how they have the right to go in there and touch that steep slope.

Mr. Castello stated at this point they were cited and there is nothing else that can be done.

Mr. Barker stated that he would get his lawyers involved.

Mr. Castello stated 'go ahead'.

Mr. Calabria asked Mr. Fischer if they were going to do another survey once the property is restored.

Mr. Fischer stated that his letter referenced that Mr. Fitzgerald has to put the property back to its original state.

Mr. Calabria stated that Mr. Fitzgerald is liable if anything happens to the slope.

Mr. Barker stated that he knows his lawyer will get involved.

Thomas Drobycki  
5 Wynnecliffe Dr.

Mr. Drobycki provided pictures to the board members. He used a lot of dirt.

Mr. Calabria asked if he had a picture of the machinery.

Mr. Drobycki replied with a 'yes'.

Mr. Drobycki asked if he was also involved in the excavation down on Hope Hollow Rd.

A couple board members stated it was Fiterich.

Mr. Wells responded that Fiterich is who is doing all the work on the Fitzgerald property.

Mr. Drobycki stated that this is another example of people without a permit doing things that they shouldn't have. He continued to state about the time Knob Hill was being done. The whole road was engulfed with dirt from the slope during the building of Knob Hill.

Michael Kilmas  
9 Wynnecliffe Dr.

Mr. Kilmas stated that Mr. Fitzgerald has removed natural earth, He then asked if Mr. Fitzgerald was going to be liable. What if the slope slides 10 years from now is the township then liable.

Mr. Jason responded with a 'no'. He continued to advise that the property is still owned by Mr. Fitzgerald after all the building has been completed.

Mr. Kilmas stated that the natural hillside has been altered, It cannot be put back the way earth created it. Mr. Kilmas asked how much the fine was for.

Mr. Fischer stated that the fine amount was \$500.

Mr. Kilmas stated that the township should hit Mr. Fitzgerald with a fine so 'that he won't want to walk down the street anymore'.

Nancy Pacobit  
2319 Old Greentree Rd.

Ms. Pacobit asked once a permit is granted how often do the code enforcement officers check on the permits.

Mr. Fischer stated that they go out to the area if they get a complaint.

Mr. Wells asked if the township could make him pay for an insurance policy if something happens.

Mr. McTiernan stated that they should already have one.

Mr. Wells asked what Mr. Fitzgerald was granted permission to do.

Mr. Fischer stated that Mr. Fitzgerald was granted permission to build 4 townhouses on the property.

### **Commissioners Requests**

Mr. Bruckner – Nothing

Mr. Castello - Nothing

Mrs. Meyers – Nothing

Mrs. Caruso – Mrs. Caruso received a call from a resident and they would like to request some soft lighting at Meadowlark Park. There is currently no lighting there.

Mr. Fischer stated that they called him as well. Mr. Fischer told the resident to call Mrs. Caruso.

Mr. Guidici stated that it can be placed on the agenda.

Mr. Jason – Stated that he had a question for Chief Secreet and he would talk to him after the meeting.

Mrs. Altman – Nothing

Mr. Calabria – Nothing

Mr. Wells – Requested that prior to the township spending thousands of dollars we should talk to Bethal Park. Bethal Park had a beautiful deck hockey and they are removing theirs. Maybe the Commissioners should ask why they are removing theirs prior to us spending thousands of dollars on ours.

Mr. Guidici – Nothing

### **Executive Session**

One item discussed

### **Adjournment**

Motion by Mr. Jason, second by Mr. Castello to adjourn the meeting.

The meeting was adjourned at 9:03 p.m.

**Attest:**



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