

**MINUTES  
SCOTT TOWNSHIP  
BOARD OF COMMISSIONERS  
301 LINDSAY ROAD, MAIN MEETING ROOM  
SCOTT TOWNSHIP, PA 15106  
AGENDA MEETING  
NOVEMBER 11, 2014**

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

**Roll Call:**

Patricia A. Caruso	Present	
Eileen Meyers	Present	
Thomas M. Castello, Esq.	Present	
Stacey Altman	Present	
Donald Giudici, Vice President	Present	
Craig C. Stephens, Esq.	Present	
David G. Calabria	Absent	Arrived 7:35 p.m.
William Wells	Present	
David A. Jason, President	Present	

PRESENT - 8

ABSENT - 1

**ALSO PRESENT:**

Robert McTiernan, Esq., Solicitor, Tucker Arensburg, PC  
Kevin Brett, P.E., Lennon, Smith, Souleret Engineering  
Denise Fitzgerald, Manager – Secretary  
Randy Lubin, Director of Public Services  
Robert Fischer, Building Inspector/Code Enforcement Officer  
Kathleen Gazda, Assistant Secretary  
Chief James Secreet

**Planning, Zoning and Code Enforcement**

Mr. Fischer said they will be setting up a meeting on the Zoning Ordinance.

**Solicitor's Report**

Mr. McTiernan said he is still waiting on the contract for the fire truck and finance information.

The Denny's project seems to be proceeding and the permits have been issued. They have been cooperative.

**Engineers Report**

**Discuss awarding Contract No. 14-W1 Short Street Gabion Wall project to the lowest qualified bidder**

Niando Construction, Inc.	\$112,510.00
Gary Metzinger Cement Contractor, Inc.	149,210.00
Rhino Construction, Inc.	158,890.00
Mann Construction, Inc.	162,970.00
Next Construction, Inc.	195,400.00
Stefanik’s Next Generation Contracting Co., Inc.	200,000.00
Michael Facchiano Contracting, Inc.	239,720.00

Mr. Jason said they do not have the money for it. They should notify to reject all bids.

Mr. McTiernan said all bidders should be notified.

Mr. Brett said Larry has two memos dated November 11.

**Public Works Report**

*Swallow Hill Road and Rockfield Road* - Swallow Hill Road was opened on November 7 and the contractor has submitted Partial Payment No. 8 in the amount of \$305,151.09.

*Zoning Ordinance Update* – at the November 2014 meeting, the Planning Commission reviewed the final document with revisions and recommended that the ordinance proceed through the adoption process.

*SHACOG CDBG Year 40 Final Applications* – the bids were opened for 216 Noblestown Road on September 4 and the low bidder was Jadell Minnifield Construction Services, Inc. in the amount of \$12,000. If the township accepts the bid, the township’s share would be \$6,000.00.

*2014 Capital Infrastructure Paving Improvements* – two additional punchlist letters were issued on November 7.

*SHACOG CDBG Year 41 Applications* – Pre-applications were submitted on September 12, 2014 and applications are due on November 12 to SHACOG for the following:

- Thepitt Building Hammond Street Structure Demolition
- 301 Duncan Way Structure Demolition
- 636/638Idlewod Avenue Structure Demolition

*2014 Roadway Improvement Program* – Lists were provided by each commissioner.

- Ward 1 Ignatius Avenue (Paul Street to Finley Avenue)
- Ward 2 Lindsay Road (Clairview Drive to Greenview Drive)
- Ward 3 No road selected
- Ward 4 Worcester (Rockhill Road to Berkwood Drive)
- Ward 5 McArthur (Victory to Ursula)
- Ward 6 Great Oak (House No. 1418 to dollar allotment)
- Ward 7 Roseleaf Road (Foxcroft to first stop sign at Orchard Spring)
- Ward 8 Knox (Roosevelt to Hughes)
- Ward 9 Ryan (Match curb replacement scope)

Mr. Wells said to add the bump in the road on Clairview.

Mr. Brett said he will be sure that is addressed.

*Ryan Drive Slope* – the contractor has mobilized. He has completed the work on Meadowlark and will mobilize to Rockhill next week.

Mr. Wells asked where they are with Pine Trees.

Mr. Lubin said they have to obtain an easement agreement from a property owner who is requesting information.

Mr. Wells asked how they are supposed to get started by January 1.

Mr. Lubin said he has had to work through the process of the agreements. Now one person is requesting additional information.

Mr. Wells said he was the developer and now he is not signing the agreement.

Mr. McTiernan said he would see what pressure they can put on him. He said he can send him a letter.

Mr. Wells said it was his development ten years ago. Larry Lennon said they were ready to start and now it is seven or eight weeks into the process and they are no further along.

Mr. Lubin said they were developing easement agreements. He was in touch with Mr. Kassouf two weeks ago and he worked with the legal department on the easement agreements.

Mr. McTiernan said they were just completed a few weeks ago.

Mr. Castello asked if everyone has signed.

Mr. Lubin said nobody has signed on any of these projects. It is not a matter of one person – two or three heirs have a share of property.

Mr. Wells said Mr. Fera contacted him that no one from the township has contacted him.

Mr. Lubin said he doesn't need an easement agreement from him. They have one in place. Everything is out to everyone who is involved.

Mr. Castello asked if Mr. Wells has talked to Mr. Kassouf.

Mr. Calabria said they need to let him know how important this is.

Mr. Wells asked if there is anything they can do because it was his development and it wasn't done right.

Mr. McTiernan said it would involve litigation. They want a more tactful approach.

Mr. Lubin said everything has been distributed. They are in the process of getting it back to him.

## **Storm and Sanitary Sewer Report**

*Stormwater Management Ordinance* – this is ready for advertising and should be adopted in December.

Mr. Wells asked where they are on Clairview.

Mrs. Fitzgerald said they found information in past minutes.

Mr. McTiernan said Mr. Wells asked for a search of public records.

Cheryl Abbott of 36 Clairview Drive said she had raw sewage in her game room. She said it was the township's responsibility because she got a check for \$12,000 and didn't sue. She said other residents were affected, too.

Mr. McTiernan asked if she had any copies of checks or releases signed.

Ms. Abbott said no, but it was in 2006 or 2007.

Mr. Lubin said he has someone looking into records of insurance claims.

Ms. Abbott said Randy put her in touch with the insurance company. A company came out and bleached everything.

Mr. Lubin said they had some type of approval to have someone come in.

Ms. Abbott said Scott Township was there doing something to the sewers. Mrs. Rally and Mrs. Clem also had claims.

Mr. Lubin said the sewers they were looking at were in the front.

Mr. Abbott said no, it was in the rear of the house.

Mr. Wells said Paul Sersic's house is the lowest on the line. Mr. Mox has lived there for fifty years and they always cleaned it out when they needed it. One neighbor was flooded out and the township said they would put a man hole at the bottom and a manhole at the top so they could clean it out whenever they needed to in the mid 70's. They knew there were problems but the township always stepped up to the plate.

Mrs. Fitzgerald said they asked the insurance carrier from 2006 and 2007 to research the claims.

Mr. McTiernan asked if there was any dedication of sewers in the minutes.

Mrs. Fitzgerald said she will have it copied and given to the board Friday.

Mark Mox said he looked at the ordinance to see if the sewer was dedicated. There was a complete section of Lindsay but nothing on Clairview. If they look at the sub-division ordinance in place it would require the township to approve all sewers.

Mr. McTiernan said maybe the minutes will be more revealing if there is any kind of acceptance or dedication.

Mr. Wells said he would like to have something for the residents by the next meeting.

Mrs. Fitzgerald said they will be through the minutes in the next couple days.

Mr. Mox said that was in the 70's, not the 50's.

Mr. McTiernan said the deed reflects that it is a public road.

Mr. Mox said the biggest concern is they purchased homes with the assumption that sewers were connected to the public sewer and this never should have been permitted by the township. The township has known about it for years and nothing is done about it.

Mr. Wells said they build a home with an 8 ft. basement and a 7 ft. sewer, so there is no way it could have drained. It is not a private lateral – it is a sewer line auxiliary to the main.

Mr. Mox said there is a lateral between each house to the sewer line.

Mr. Wells said the township should have told these people what was there in the 70's.

Mr. McTiernan said it is a public utility and a public street.

Mr. Mox said he would like to look at the deeds and the verbage of the public sewers. The language is consistent in the older deeds. In newer sales, the verbage is lost. There is no easement information; only what was important in those deeds.

Mr. McTiernan said it can be interpreted that they are giving an easement. In the back there is a storm sewer easement.

Mr. Jason asked if the board decides this is an issue they have to correct, do they have to get easements from all these people.

Mr. McTiernan said if the conclusion is that the township will accept responsibility, the residents would be happy to make that easement. They wouldn't want to do any work without the residents' cooperation.

### **Finance Committee Report**

#### **Public Comment:**

Beth Tomosovich of 1707 Berkwood Drive said she hopes whatever insurance company they go with will cover her flooding problems.

### **Discuss advertising 2015 Budget for public inspection**

### **Discuss advertising 2015 Budget Levy Ordinance**

### **Discuss advertising 2015 Budget Ordinance**

Mr. Castello said the first three items deal with the budget. Their last meeting is on the 19<sup>th</sup>. He said to put these items on for approval.

### **Discuss insurance proposals received for the township's commercial liability, public officials, workers compensation and police liability insurance for a period of two years, effective January 1, 2015**

Jeff Howard of C.W. Howard Agency said he has been the township's agent since 2001. He thanked the board for past business and hopes to be of future service. He said this year the bidding process was a little different. In past years they approached about eight insurance carriers, but this year they were limited to two. They have been with Selective for two years but he did not approach them because the township is not happy with the claim service. He said he is not familiar with any insurance company that will cover those claims.

Gladfelter writes fire departments and they have the best claim service of any insurance company, but they cannot cover bridges. CNA covered the township in 2010 and 2011 and gave a competitive price. He reviewed some of the coverage and explained the liability with sewer claims.

Mr. Castello said the agency has been criticized because of claims.

Mr. Howard said the tort law protects public entities. They are immune to property claims, but not immune to auto accidents. If it is a known condition and there is a known solution and it is not fixed, the tort law would not protect them. Floods are caused when storm sewers cannot handle the water. The insurance company is saying they are not liable for those claims. They are defending the township. That is how the insurance company looks at it. The township has to accept it is a public entity.

Mr. Castello asked if the homeowner could purchase coverage for themselves.

Mr. Howard said they have back up and sewage coverage on homeowners policies. They can get \$5,000 to \$100,000 coverage if they have not had a claim in three years.

Mr. Stephens said \$5,000 coverage through Erie Insurance is \$60 per year.

Mr. Castello said if they have flood experience, they would have to wait three years.

Mr. Howard said first party coverage is best because you do not have to prove someone else's liability. Flood insurance is less expensive if you are not in a flood zone.

Mrs. Tomosovich said she has flood insurance. The problem is the township's sewers are inadequate. The flood insurance does not cover any contents or finished walls.

Mr. Jason said there is warranty coverage through the water company. They have line protection coverage and will take care of back ups.

Mr. Castello said stormwater runoff would be covered by flood insurance.

Mr. Howard said it is covered if more than one acre is inundated by water.

Mr. Giudici said if they are the only house affected, they are not covered.

Mr. Wells asked if they will sell it no matter how many times they have flooded.

Mr. Howard said there is a 30 day waiting period unless it is required by a bank.

Mr. Castello asked if they had CNA instead of Selective, would the result be different.

Mr. Howard said they would have declined the claims.

Mr. Stephens said they paid claims in the past.

Mr. Castello said they showed them evidence. They went through an extensive research project and showed the insurance there had been a pattern.

Mr. Jason asked if there is insurance they could purchase that would help the residents.

Mr. Howard said he doesn't know of any.

Mr. Stephens said the township would not be liable unless there was a problem with the line and the township didn't take care of it.

Mr. Jason said they discussed at the sewer meeting coming up with a program to provide something residents could opt into and pay quarterly on their sewer bill.

Mr. Wells said the problem was that people submitted claims and were told on the phone and then in a letter they were denied. No one even came out.

Mr. Howard said the CNA policy is \$9,000 to \$10,000 less than Selective and the Workers Compensation policy is \$50,000 less than last year. The Fire Department insurance premium is \$60,000 less than last year and is based on the number of runs they made last year.

The property insurance covers the buildings and contents, the park and pool. There is a specific form of insurance for equipment. There is \$50,000 coverage for township back-up. General liability coverage is \$1,000,000 per year.

Under Selective's definitions, sewage is not a pollutant. CNA does not make it clear on water and back-ups. Inland Marine covers equipment, police equipment, backhoes and similar equipment.

Mr. Jason asked how much increase they would have if they lowered the deductible.

Mr. Howard said about 15 %.

Business auto has \$1,000,000 liability Under CNA, there is no additional charge unless over 10 per cent more autos.

Police Professional Liability coverage was \$1,000,000 per year, now would be \$1,000,000 per occurrence and \$3,000,000 if an officer makes the decision to pursue someone and a fatality occurs. It could be a violation of 14<sup>th</sup> Amendment rights and he hasn't seen any claims paid.

Public Officials Liability would include employee practices, discrimination and sexual harassment. People sue for money and usually want monetary coverage over getting their job back. \$10,000 coverage on any one claim is included. There is no civil rights exclusion.

Workers Compensation is based on payroll and there is no limit. It is 66 2/3% tax free until they can come back to work.

Portable equipment coverage has guaranteed replacement cost. It also covers personal belongings, with a deductible.

Fire Department Workers Compensation – Act 46 (Cancer Assumption) if they are with the fire department for four years. 10 years to develop cancer and they have 66 weeks to make their claim.

CNA is a rated carrier.

Florian Rajakovich said he represents the HDH Group. He said trying to get coverage for the residents is very noble, but tort law is to protect the township. In the 70's they could sue for a lot of things. People are allowed to sue governments, but they are not held liable in the same way as the general public. The township is not expected to know what is underground. If the township does what is reasonable, they cannot be held liable. HDH has two full time claims adjusters and have quick contact within 24 hours.

Mr. Castello asked the carrier.

Mr. Rajakovich said Allied World Insurance Company is the carrier. They are an A Rated company. He said there are a few differences from the RFP.

Under Inland Marine, equipment is covered for actual cash value, but replacement cost is available. If a backhoe is valued at \$90,000 it might cost \$120,000 to replace, but they would pay \$90,000. Their thinking is they can buy a used one for \$90,000 and you can't profit from insurance.

Computer equipment insurance coverage is \$188,000 and \$250,000 for all computers.

Crimes coverage – computer fraud coverage was not in the RFP. This would cover any fraudulent act. They are offering \$100,000 for theft of money or securities.

Police Professional Liability - Line of duty coverage will pay the township \$50,000. This goes to the township and is not life insurance coverage. Moonlighting in bars or taverns is excluded under this policy.

Mrs. Fitzgerald said they are currently working at the Rumfish in Collier Township. She said they are paid through the township because they bill Rumfish.

Mr. McTiernan said his idea of moonlighting is a city officer working on their own working as a bouncer in the Strip District. These officers are working on behalf of Scott Township. He asked if they can have Collier Township name them as an additional insured under their liability policy.

Mr. Castello said if they have an officer at Rumfish and the officer fights someone, how would they be covered.

Mr. Radekoush said Collier would have the liability to cover them.

Public Officials Liability and Employment Practices had a \$7,500 deductible and it is now \$5,000. Non-Monetary Defense is \$50,000 per claim and \$100,000 aggregate.

Mr. McTiernan asked if there is a limitation on defense if someone sues under civil rights. He asked what the coverage would be if the commissioners made a decision regarding employment.

Mr. Rajakovich said under Public Practices, there was an incident in Pine Township where a utility company wanted to go underground in their park. The township fought it and the utility sued – not for money but the right to go into the park.

Under Moonlighting, they would have to list Collier Township as an additional insured in bars and taverns.

Chief Seccret said they worked at the Rumfish Grille five to ten times last year and that was the only establishment that was a bar. They help out with traffic and at the Chartiers Valley High School, but they can eliminate that. There is no detail in Scott that involves a bar; it is mostly work at traffic and schools.

Mr. Jason asked if he has any other municipal clients that could provide references.

Mr. Rajakovich said he has a list of 225 municipalities in PA. Most are First Class Townships located in Southwest Pennsylvania.

Mr. Wells said the total costs of the policies are \$112,515 for HDH and \$115,305 for Howard Agency.

Mrs. Fitzgerald said the Fire Department auto is included in the \$112,515. The figure for Howard is \$115,305, plus the fire department auto coverage.

Mr. Stephens asked about the workers compensation insurance.

Mr. Castello said HDH Group did not bid it.

Mr. Castello thanked them for coming in tonight

**Discuss exoneration of Lisa M. Riley, Tax Collector for taxes for year 2011 in the amount of \$50.00 or under which would amount to 153 lines or \$2,575.50**

Mr. Castello said to put this on the agenda for a vote.

**Discuss payment to Pierce Park Group for 3<sup>rd</sup> Quarter Consulting Services for the Police Pension Plan in the amount of \$11,598.12 and the Non-Uniform Pension Plan in the amount of \$5,134.90 (to be paid from respective pension funds)**

Mr. Castello said to put this on the agenda for a vote.

**Discuss Lease Agreement with Ford Credit Municipal Finance for 2015 Ford Explorer for 36 months in the amount of \$576.86 per month**

Mr. Castello said to put this on the agenda for a vote.

Mr. Calabria said he had an estimate for \$100 less than that. He had a GMC Acadia with 12,000 miles and tax included for \$421 and a Ford Explorer was \$479, tax included.

Mrs. Fitzgerald said this was under the state contract. If they do not follow the state contract, it has to go out for bid.

Mr. Castello said they should put it out for bid.

Mrs. Fitzgerald said if they wanted to keep it at the end of the 36 months, they would pay an additional 12 months payments.

Mr. Calabria said he talked to general manager at Cochran and he said the GMC is a better car.

Mr. Wells asked the rules for the car.

Mrs. Fitzgerald said it would be a township vehicle for her use and she would be taxed on personal use.

Mr. Castello said she would have to decide what she wants so they can vote on it at the end of the month.

**Discuss Hope Street Park and Spinner Field restrooms under 2013 bond issue**

Mrs. Fitzgerald said she met with the engineer last week and in order for them to have things ready for next year they will have to begin work on these.

Mr. Castello said to put that on for a vote.

## **Public Safety Committee Report**

### **Discuss hiring alternate crossing guard**

Chief Secret said they now have three guards. One is having surgery on December 4 and will be off for three months. He is now sending officers out to fill in if a guard calls off. He has an application from someone who lives on Torrence Avenue and he wants to hire her and have the board ratify at the end of the month.

Mr. Wells asked if they will put additional money in for crossing guards.

Chief Secret said guards do not call off very often.

Mr. Castello said to go ahead and they will ratify at the voting meeting.

## **Public Works Committee Report**

Mr. Stephens asked Randy how the branch and leaf pick up is going.

Mr. Lubin said everything is on schedule.

## **Environmental Committee (Sewer Committee)**

## **Parks and Recreation**

## **Library Liaison Report**

## **Public Relations Committee Report**

### **Discuss hosting Wild Things Community Night in 2015**

Mr. Castello said they tried this several times. The first time it was well attended but the last time it went downhill.

Mrs. Fitzgerald said they want to involve the whole community this summer.

Ms. Altman asked that it be put on the agenda.

### **Discuss Proclamation for Nicholas George Spak on earning Eagle Scout Award**

Mr. Jason said he attended his Eagle Scout ceremony and invited him to the next meeting.

Ms. Altman said the Tree Lighting will be held Thursday, December 4 at 6:30.

## **SHACOG**

Mr. Stephens said the next meeting will be in Whitehall Borough. He said he will attend as a delegate.

Mr. Jason said he received a letter from Lou Gorski thanking them for renting their office.

### **Administration**

#### **Discuss approval of Estimate No. 6 (Final) for Tri Community Revitalization project from Trans Associates Engineering Consultants, Inc. in the amount of \$849.90**

Mrs. Fitzgerald asked that this be placed on the agenda for approval.

### **Conferences and Workshops**

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

None.

### **Commissioners Requests**

Mrs. Caruso - Nothing.

Mrs. Meyers – Nothing.

Mr. Castello said he cannot bring that person on the 19<sup>th</sup> at 7:00. They would have to advertise for 7:00. They will be at the Budget Meeting on Wednesday at 7:00.

Ms. Altman asked if they can order a box of “Drive like your kids live here” signs. She had six requests on Election Day.

Mrs. Fitzgerald said they would order 50 this time instead of 25.

Mr. Giudici thanked all the Veterans of Scott Township for their service.

Mr. Stephens – nothing.

Mr. Calabria – nothing.

Mr. Wells said they talked about the storm assessment fee, one acre of impervious nets them \$1,745.95 and the surface is 240’ x 10’. There are 43,650 square feet in an acre. A football field nets them \$2,304 and ½ mile of impervious surface would net \$557,568.00. That is not counting the home, just impervious surface.

Calabria said a parking space is 20’, so one acre would be 2400 s.f. and an acre would be 10 times that.

Mr. Wells said they are a 3.5 sq. mile township and houses take up most of the room. This can net some money for the township.

Mr. Jason said the churches did challenge this and they settled.

Mr. McTiernan said Mt. Lebanon is a home rule community and they are clearly allowed to form an authority.

Mrs. Fitzgerald asked if Providence Point reported their impervious surface.]

Mr. Brett said it is in their stormwater management plan.

Mr. Jason wished everybody a Happy Veteran's Day.

### **Adjournment**

**The meeting was adjourned at 9:30 p.m.**

**Attest:**

  

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