

Ligonier Township Supervisors
Regular Meeting
September 10, 2019

The Ligonier Township Supervisors met in regular session at 7:00 p.m. with the Pledge of Allegiance opening the meeting. Present were Chair, Wade Thomas; Vice Chair, John Beaufort; Secretary / Treasurer, Stephanie Verna; Supervisor Paul Knupp and Supervisor, D. Scott Matson.

Public Comment

Sherry Shannon, 118 Charlotte Drive. Spoke about her neighborhood's private water line problems (see Agenda item #8 under New Business). The waterline presents health & safety issues while affecting property values. There have been several neighborhood meetings as well as a public meeting at the Township to discuss the possibility of MAWC taking over the line. MAWC will not do so until the line is brought up to code (i.e. replaced). She asked the Township for help finding solutions – project estimate is \$350k and as private citizens, they can't apply for grants. Asking for Township's support & help obtaining a solution.

Diane Shrader, 74 Boucher Lane. She is new to the community and had some questions and sought answers/guidance. She is concerned about the condition and maintenance of her road. She asked if there is a breakdown for property tax dollars and how they are spent – especially as it relates to road maintenance. Supervisor Paul Knupp responded Boucher Lane is a private road. Mrs. Shrader asked if any of her tax dollars went to support roads in her area? Supervisor Beaufort answered – no, not for Boucher Lane. Supervisor Knupp clarified that tax dollars went to designated township roads. Mrs. Shrader asked about the process to designate a township road and there was a brief discussion about what that process entails. Mrs. Shrader then asked if the Township would be able to provide them with left over patch material? Supervisor Knupp said no as that would set a precedence and they'd have to do it for everyone. Solicitor Korn clarified that is illegal and reminded all that the "Public Comment" period was time allotted for residents to address their Board of Supervisors and was not intended for a back-and-forth Q&A although he realized Mrs. Shrader did not know this being new to the area. Manager Terry Carcella advised her to seek out any staff member, as they would be able to assist her with the information she was seeking.

- A motion was made by Paul Knupp and seconded by Scott Matson to approve the August 6, 2019 regular meeting minutes. Motion carried.

Supervisor Comment

Supervisor Knupp – addressed Mrs. Shrader's question about tax breakdowns - the Township's millage rate is 4 mills, county is between 26-27 mills and the school district is in the 80s.

Supervisor Beaufort –added that Mrs. Shrader should contact Township staff for budget information, as they would be able to give her a breakdown of how the taxes are spent.

Staff Reports

Manager's Report

Mr. Carcella reported on a recent meeting with State Rep. Mike Reese and the Westmoreland County Conservation District concerning the flash flood event of July / August in Laughlinton and the

surrounding areas of the Township. The conclusions of the meeting were that the significant storm events of the past few months and over the last 2 years resulted in temporary flash flood events in particular areas of the Township. These events affect our neighboring boroughs of Laurel Mountain and Ligonier. He recommends a major study of the drainage basins and watershed capabilities and the study should include both boroughs. He also recommended the Supervisors send a letter to the neighboring municipalities who suffer the same environmental issues of flash flooding, inviting them to participate in the study with us, so that we can find a permanent solution. It's easier to borrow money to fund a plan if a study has already been completed and it is also easier to get funding for "multi-muni" projects. A lot of money could be spent on quick fixes, but care needs to be taken we don't just push the problem elsewhere. A pro rata share of study costs is recommended since the boroughs are much smaller. We should draft an RFP since Markosky is leaving at the end of the year. Storm water issues know no municipal lines. We already have some of the information via maps, but we will need to get "boots on the ground," we estimate the study to cost \$50-100k because it will be labor intensive, inspecting drain pipes, surveying the landscape, etc. So, his recommendation is to draft a letter, inviting our neighboring communities to get involved with us, as stormwater /flooding issues affect all of us.

Chairman Thomas agreed it was a good idea to send a letter.

Supervisor Beaufort requested the letter be sent to Cook Township too because of Four Mile Run and perhaps the State to include Linn Run.

- A motion was made by John Beaufort and seconded by Paul Knupp to send a letter to other entities requesting a meeting to discuss a Stormwater Study. Motion carried.

Public Works Report

Russ Morgan reported that due to weather, Russell Standard fell behind schedule and they will not be able to complete seal & chip roadwork by the 15th. He is working with the Township Engineer and PennDOT to get an extension, if the temperature is ok to lay down tar & chip, otherwise work will be postponed to May 2020.

Township Engineer Dorothy Boring said she has been working with PennDot's Rick Skovensky, the District Engineer's written permission is required in order to use Liquid Fuel funding to pay for any work completed after the September 15 deadline. The District Engineer's work extension assumes the Township's Engineer will be able to certify the temperature (60 degrees and rising) and material requirements have all been met before operations begin. Next week's forecast looks good at this point in time, now we wait to see if the state will grant the extension. Ms. Boring commented that Russell Standard said they need 3 days to finish work and they have 5 days now...

Mr. Korn's thinks Russell Standard is seeking the extension not because they can't get the work done, but because the Township might not be able to pay by the 15th. He hopes that the State grants an extension - Ligonier is not the only township in this situation (because of weather delays). Mr. Korn's stated we have rights under the contract and don't want to settle or make an agreement.

Mr. Carcella said if they don't start stockpiling stone now, they're not going to get it done in time anyhow and with the weather - we are dealing with this on a day by day basis and wanted to make sure the Supervisors are aware of this potential issue. Mr. Morgan added if we don't get the work completed now, the Township will have to complete and pay for an estimated 7-10,000 patch

sealings to get us through the winter. Chairman Thomas asked what PennDot will do if we don't spend our Liquid Fuels money. Mr. Carcella answered we are allowed to carry over funds to next year.

Mr. Morgan reported the Berkley Road grant project is done, pending testing.

Engineer's Report

Ms. Boring reported Russell Standard completed their Bitumous Fiber Reinforced Sealed Coat Road contract.

Police Report

See report.

Solicitor Report

Mr. Korn's has completed his review of the Stormwater Planning Ordinance, no substantive changes. We are unsure if the County has formally adopted their ordinance and we don't want to adopt ours until the County has done so first, so we may postpone advertising the adoption of our ordinance.

Zoning Report

See report.

Logo contest results are in; 18 total received, 8 contain the Borough's bandstand and were therefore excluded. There were technical difficulties viewing the online slides so the Supervisors asked that hardcopies be provided at the next meeting for them to vote a winner.

Code Officer Report

Mr. Ashley reported he has settled several code enforcement issues successfully and one is being continued.

Correspondence

- 1) Letter from Derek Zurfula, he has 2 properties on Hummingbird Lane, one has a permitted sanitary on-lot system and the other has a holding tank (which is not permitted per DEP regulations). He is requesting to switch homes, moving into the house with the permitted system and "moth ball" the other, by removing the pressured water supply and the holding tank, and keeping this building as a storage unit. Mr. Korn's has been in touch with their counsel. Mr. Carcella has also been talking with Mr. D'Arrigio the Township's Sewage Enforcement Officer. The Township doesn't have the ability to allow these people to keep both homes as single family dwellings without both having permitted sewage systems. This "switch" will probably require a Township resolution. Mr. Korn's added this is an estate where the home owner has passed away – the home that has the holding tank is in better condition than the home with the permitted system. The switch is fine, provided the permitted system is in good working order and the estate signs off on a no occupancy permitted in the holding tank home and have it properly removed and water shut off. Mr. D'Arrigio stated they could not find another permitted site to put in a new system so this is the work around until public sewage is extended to the area.

- 2) Westmoreland County Food Bank invitation to the Supervisors to help bag food items at the Delmont Center on Friday the 20th. Light refreshments will be served; if you'd like to attend let Terry know.
- 3) Penn State Extension recommendation that we adopt a timber ordinance, need to discuss during the next workshop meeting as it is quite extensive.

Treasurer's Report

Supervisor Verna reported the account balances as of September 10: our General Fund account is \$393,730; Act 13 Account is \$52,991; the Beach Property Account is \$3,618; the Developers Account is \$12,544; the Liquid Fuels Account is \$256,396; the Equipment Fund is \$12,272; Capital Reserve CDs are at \$648,978; for a total account balance of \$1,380,529.

There was a question about the Metro Alert bill - it's a "pass through" part of the LVPD JAG grant and will be reimbursed by the PCCD.

- A motion was made by John Beaufort and seconded by Paul Knupp to pay the September bills. Motion carried.

Executive Session

The Supervisors went into executive session at 7:35 p.m. and were back in regular session at 7:45 p.m. Mr. Korn's certified compliance with the Sunshine Act as the discussions were related to personnel matters and potential litigation.

Old Business

Ordinance 2019-02, User Fees for Fire Department & Emergency Services

Mr. Korn's said this ordinance has been advertised and discussed the last few months. One change includes an addendum per Supervisor Beaufort's request that language be modified to allow the fire departments to recover additional costs (e.g. alarms, hazardous materials) other than the costs associated with motor vehicle accidents.

Supervisor Beaufort said the intent is for the three fire departments to share the money collected under this ordinance and asked if there was any language in the ordinance that would restrict funds collected to just the Township. Mr. Korn's answered there are no restrictions.

- A motion was made by John Beaufort and seconded by Scott Matson to adopt Ordinance 2019-02. Motion carried.

New Business

Ordinance 2019-03, Stormwater Management

Advertise for possible adoption – tabled for one more month as Mr. Korn's said we do not want to pass our ordinance ahead of the County formally adopting theirs.

Request for Manager to Attend Training

- A motion was made by Paul Knupp and seconded by John Beaufort to send Terry Carcella to the Municipal Conference in Gettysburg, October 4, 2019. Motion carried.

Request to sell 10-Ton Roller on Municibid

Non-functional, sell it for scrap

- A motion was made by Scott Matson and seconded Paul Knupp to the sell the 10-Ton Roller on Municibid. Motion carried.

ADM Welding Request for their Warranty Bond Release

Mr. Korn's requested this item be tabled so that he can go back to ADM and ensure an agreement is in place prior to a public vote.

FCC Cable Order Discussion

Mr. Carcella explained that the FCC passed an order that may take away up to ½ of the Township's revenue received from its Cable Franchise Agreement. The order was heavily lobbied by the Cable industry; they want to use this money to expand broadband service. It was a close vote and is being litigated by the PA Municipal League (and others) because there are no guarantees to protect the Townships.

Request from Coal Loaders to Close Myers School Road

Mark Kliniky from Coal Loaders said that the original resolution was for 2 six-month closures – first closure started June 1 and would reopen in December which is not good timing. He is instead requesting 1 extended twelve-month closure.

Chairman Thomas asked Mr. Carcella if any complaints were received, his answer was none to date, however Supervisor Verna stated residents have asked her about the “mysterious detour to nowhere.” Mr. Korn's clarified the proposal does not add time. Ms. Boring commented the initial intent was to have the road closed for 2 shorter periods of time – not 1 consecutive 12 month period. Her recommendation is to have Coal Loaders add road signage at 259 to include “Myers School Road” above the “Detour” signs.

- A motion was made by Stephanie Verna and seconded by Scott Matson to approve the 12-month continuous road closure, provided Coal Loaders installs Myers School Road signage at the 3 most prominent locations. Motion carried.

Resolution 2019-33, Confidentiality Compliance with Act 32 & Berkheimer Collections Service

Berkheimer's “canned” resolution ensuring mutual confidentiality and Act 32 compliance as the Township's tax collector. Mr. Korn's reviewed, no issues.

- A motion was made by Stephanie Verna and seconded by Paul Knupp to approve Resolution 2019-33 designating Terry Carcella as the authorized representative. Motion carried.

Charlotte Drive / Hi Acres Water Discussion

Mr. Carcella provided a map of the neighborhood in the Supervisors' packets and stated we are looking to help these residents out, although we did recently learn they did not qualify for CDBG funding. Will seek funding under the Commonwealth Finance Authority's Small Water/Sewer Project grant, which covers projects in the \$30k-\$500k range. The Township would be the applicant for the grant because there is a “health, safety, and welfare” aspect; when water leaks across the road it becomes a hazard and water quality is affected by the deteriorating line. The grant would be administered in such a way that requires full residential participation. There is no homeowners

association, we're working with Mr. Korn's to find a way to ensure all 19 affected residents participate. There is a 15% match requirement. We're working with Rep. Reese's office and anticipate funding will be released soon. The cost for each application is \$100 and the Township will be making multiple applications for three projects, this being one of them. How did we get here? The water line was installed many years ago by the developer and was not inspected / approved by the municipal authority (Ligonier) at the time making it a private water line. Had it been installed and inspected properly, MAWC would be replacing the line today. This "sin of the past" is quite expensive for these residents. Our current regulations and SALDO do not allow this, nor does our municipal authority - newly installed lines must be municipally owned, so we don't have to deal with this in the future. Unfortunately, we have the Charlotte - Hi Acre Drive residents, residents along California - Armour Avenues, and others in the Township with the same problem; all because the Developer was trying to save a buck, by not installing the proper size pipe. We will do our best to help solve this problem, but we cannot spend public dollars to fix it. We will assist them by applying for the grant dollars. Another option is the PennVest loan but not sure if they will approve it at \$20k each (too high) unless MAWC was to underwrite the loan. There is a gas line above the water line - there may be a contamination issue. This water line replacement project will be discussed at an upcoming workshop.

Supervisor Verna asked Mr. Carcella for clarification - was he asking for approval to proceed with discussions and not to file any applications at this point? Mr. Carcella answered that he would like the Supervisors to permit filing a grant application through the DCED for the CFA grant when it opens up - for this project and any other project where residents request the Township's help.

Supervisor Beaufort asked when is the grant deadline? Mr. Carcella answered that the grant period has not opened up yet, once Rep. Reese's office lets us know, it's usually a 30 or 60 day deadline.

Supervisor Verna asked about the project replacing a private line, if the grant doesn't cover 100% of the costs...we would have to have some type of agreement to protect us - doesn't want the Township to file an application with any assumption the Township will be responsible. Mr. Korn's answered that in order for this to happen, all 19 residents need to agree to be responsible for the full cost, or create an association that is legally responsible. There has to be another entity that is responsible for all costs, the Township cannot be responsible.

- A motion was made by John Beaufort and seconded by Paul Knupp to submit a grant when it becomes available - provided that the affected residents will be responsible the 15% match funds and have a written agreement in place. Motion carried.

Supervisor Beaufort asked if we were going to do the same for the California Avenue residents? Mr. Carcella answered that they might be CDBG eligible, but we did not get enough income surveys and we are researching it. We will bring it back to the board for official action.

Supervisor Matson asked about Boucher Lane residents. Mr. Carcella answered no one has brought come forward from that area.

Public Comment "B"

None

Supervisor Comments

Supervisor Verna asked for a County Land Bank membership update – did we get a list of properties to be demolished? Mr. Ashley responded, yes we have a list, but we lost some traction with April Kopas' departure. We have had some contact with her replacement. County staff have been busy with the tax sale, which was recently completed. Supervisor Verna asked how the list was prioritized. Mr. Ashley answered we don't have criteria, other than public safety. Supervisor Verna requested a methodology be developed to designate these properties with public health & safety a top priority. Supervisor Verna asked if the membership fee was annual, Mr. Ashley answered no, it was a one time fee only.

Supervisor Knupp asked Sherri Shannon if all 19 residents would participate in the private water line replacement project. Sherri answered that she is willing to work with everyone to make it happen.

Supervisor Matson commented that he liked the logo, but his idea was still his favorite although there have been many improvements at the Township over the past 6 years...

- A motion was made by Paul Knupp and seconded by Stephanie Verna to adjourn the meeting at 8:13 p.m. Motion carried.

Respectfully submitted,
Bethany Caldwell
Assistant Secretary/Treasurer