

**NORTH FRANKLIN TOWNSHIP
MEETING MINUTES
February 12, 2019 at 5:00 pm**

CALL TO ORDER by Chairman Junko

PLEDGE OF ALLEGIANCE

OPENING PRAYER – Reverend Richard Wilson

ADD ITEMS TO THE AGENDA - None

PUBLIC COMMENT AGENDA ITEMS – None

APPROVAL OF MINUTES

****MOTION to approve the minutes of the January 15, 2019 meeting** was made by Mr. Sabot; seconded by Mr. Passalacqua. Unanimously carried.

TREASURER'S REPORT

****MOTION to file the Treasurer's Report for future audit** was made by Mr. Sabot; seconded by Mr. Passalacqua. Unanimously carried.

BUILDING PERMITS – The January report from Municipal Consulting Services was read by Mr. Sabot and included nine (9) building permits totaling \$1066.00

BILL APPROVAL AND CHECK SIGNING

****MOTION to approve total bills and check signing** was made by Mr. Sabot; seconded by Mr. Passalacqua Unanimously carried.

GUESTS -None

OLD BUSINESS

1. Chestnut Street Flooding

Erin Dinch reported that the land owners have begun doing work of their own. Our Engineer, Rich Rush has been out to the sight but cannot report on any progress as of yet as the work is in its early stages. Solicitor Sweat

added that Gutman Oil was taking the lead and have paid for the current excavation being done. He explained that they have an agreement with most of the landowners for sharing the expense, excluding Rite Aid. He advised that the group of business owners want the Township to take over the easement and the stormwater line. Our Engineer, Rich Rush, has been to the site and has indicated to Gutman Oil what steps are necessary before the Township would consider taking over the easement and the stormwater drain. Rite Aid wants the Township to take over the entire line but are not willing to contribute their share of the cost estimated to be around \$30,000. He advised that they were going to try to schedule a conference call this week with Rite Aid's attorney, Steve Marriner, to discuss the issue as they are threatening to file a lawsuit if something isn't done soon. Bob Sabot advised that Gutman Oil was doing some work along their property line which could present a danger for Rite Aid's parking lot. He said the Township is not involved with the work and has not issued any permits. He advised that the Township is out of it, as it's not the Township pipe or roads, it just happens to be located in the Township.

2. Urbanic Overpayment

Mr. Sweat advised that when Officer Urbanic resigned, he was entitled to a severance package for sick days and vacation days. He said the Secretary/Treasurer at the time computed his severance package without consulting legal advice from him or Labor Attorney Phil Binotto, resulting in an overpayment in excess of \$30,000. He advised that the Collective Bargaining Agreement which was negotiated in 2018 clearly states that officers were to be paid at 25% for sick days, but he was paid at 100%. Solicitor Sweat advised he sent a certified letter to Mr. Urbanic explaining the overpayment, but he has not received a response so he needs to draft a civil complaint to try and recover the money.

****MOTION to authorize Solicitor Sweat to file a civil complaint against Officer Urbanic requesting the overpayment of funds in the Washington County Court of Common Pleas and to authorize the Chairman to sign the verification** was made by Mr. Passalacqua; seconded by Mr. Sabot. Unanimously carried.

3. Act 172 Discussion

Erin Dinch explained that Act 172 allows municipalities to offer a real estate tax credit to active members of the fire department. Mr. Sabot advised that the fire department members would pay their taxes in 2019 and then receive a 10% rebate in 2020 as long as it was notarized and signed by the Fire Chief. Lisa Quinn advised the Board that there are 53 members of the fire company with 25 being active. Mr. Sabot said it would require further discussion.

4. Retaining Wall Ordinance Discussion

Jarrod D'Amico from Harshman advised that the Ordinance in North Franklin Township does not require a survey for any Zoning certificate they issue. He explained that the Zoning Application is a binding document and it determines the "where" while Building Permits is the "how". He advised anyone doing anything on their property should get a Zoning certificate. He said "setback" is the distance from the property line to where the construction is going to be done. He advised that the Zoning certificate becomes part of the official Township record when they are signed off acknowledging that you understand where the boundaries are. He explained that the wall discussed in last month's meeting was actually across the property line, making it a civil suit. He explained that in that case the Township could uphold the Zoning Ordinance and file a citation. He said that everything Mr. Ivery of Municipal Consulting Services did was correct.

NEW BUSINESS

1. William Pettit Retirement

****MOTION to approve the retirement of William Pettit effective February 28, 2019** was made by Mr. Sabot; seconded by Mr. Passalacqua. Unanimously carried.

- 2. **MOTION to instruct the Township Engineer to prepare and advertise for bids for the 2019 Holiday Hills Road Improvement Project, the McElree Road Culvert Project and the Franklin Terrace Stormwater Project** was made by Mr. Sabot; seconded by Mr. Passalacqua. Unanimously carried.

- 3. **Motion to approve the sale of the following Police cars to the winning bidders on Municibid was made by Mr. Sabot; seconded by Mr. Passalacqua. Unanimously carried.**

**2017 Ford Explorer - Tiadaghton Valley Regional Police
Department-\$33,100.00**

2016 Ford Explorer – Kittaning Borough - \$29,000.00

2014 Ford Taurus – City of Duquesne - \$15,401.00

2012 Chevy Tahoe – Polk Borough- \$14,300.00

- 4. **Motion to approve a 2019 donation to the North Franklin Volunteer Fire Company in the amount of \$40,000.00 payable at \$10,000.00 quarterly was made by Mr. Sabot; seconded by Mr. Passalacqua. Unanimously carried.**
- 5. **Motion to repay 50% of the loan from the Recreation and Business Improvement Authority in the amount of \$137,500.00 was made by Mr. Sabot; seconded by Mr. Passalacqua. Unanimously carried.**

FIRE CHIEF'S REPORT

Chief Bane reported that for January 2019 the Fire Department had 28 calls. One (1) one building fire, one (1) chimney fire, one (1) transport vehicle fire, nine (9) medical calls, two (2) motor vehicle accidents, one (1) power line down, four (4) service calls, three (3) calls canceled in route, one (1) public service, one (1) odor of smoke, one (1) false alarm, one (1) alarm malfunction, one (1) detector activation and one (1) special. They averaged 5 persons per call. Mr. Junko advised that Erin Dinch would be attending the Emergency Management Conference and Mr. Sabot would be the EMS Coordinator. He also stated that they were hoping to have a social member from the Fire Company to be on the EMS Team.

CODE ENFORCEMENT OFFICER'S REPORT

Jarod D'Amico stated that Code Enforcement had twelve (12) complaints; four (4) trash and junk, three (3) vehicles and five (5) others. He advised they attended a hearing regarding the lot on Cumberland Avenue resulting in a 60-day continuance by the Judge. He also attended a Summary Appeal Hearing for 1011 Park Avenue and it was continued due to the defendant saying they would clean it

up. He also advised that a hearing was scheduled for February 19th for 35 Baltimore.

SOLICITOR'S REPORT

Mr. Sweat advised that the Township has been in “effects bargaining” with the Police Union since the beginning of the year. He explained that one face-to-face meeting was held and information was exchanged and proposals were made, but they have come to an impasse. He said four separate attempts were made to schedule another meeting, but no effort has been made by the Union to comply. Mr. Sweat advised the Township Treasurer to pay any amounts the Township does not dispute to the officers. He also said the District Attorney’s Office has been going through all the records and doing an inventory of the Police Department. He said the detectives were compiling a list of evidence from resolved cases that can be returned to the accused or the victims. Mr. Sabot explained that the Supervisors were being very careful not to violate the Collective Bargaining Agreement, especially the subcontracting clause, which means the Township cannot negotiate with anyone for police protection at this time. He advised that the North Franklin Township Board of Supervisors do not want to “mooch” off of the State Police, but hope to eventually entertain other options. Solicitor Sweat advised that the 2016 Audit has been completed.

****Motion to authorize the Secretary/Treasurer to pay Cypher & Cypher \$7,900.00 for completion of the 2016 Financial Audit and Report** was made by Mr. Sabot; seconded by Mr. Passalacqua. Unanimously carried.

Mr. Sweat also advised that Michael Cruny has been in touch with the DCED and is trying to get an extension beyond June 30, 2019 for the Multi-Modal Bridge Grant monies.

SUPERVISOR JUNKO'S REPORT

Mr. Junko commended Secretary/Treasurer, Jackie Kotchman and Director of Planning & Zoning, Erin Dinch for working diligently to get the Township back on track.

****Motion to send Erin Dinch to the EMS Training at a cost of \$70 and reimbursement of her travel mileage** was made by Mr. Sabot; seconded by Mr. Passalacqua. Unanimously carried.

SUPERVISOR SABOT'S REPORT

Mr. Sabot advised that the Township is trying to be very transparent with the residents and give them as much information as possible, without violating certain things. He said there are a number of issues and problems that were going on. He said eventually they would like to look into regional police coverage, but that it is not possible at this time.

SUPERVISOR PASSALACQUA'S REPORT - None

PUBLIC COMMENT NON-AGENDA ITEMS

1. Christina Hartzell, of 76 Fulton Street, thanked the Supervisor's for making the Police situation clearer. She asked which Supervisor was overseeing the former Secretary/Treasurer and who was supposed to "sign off" on the audits? Mr. Sabot explained that the Board members kept asking the former Secretary/Treasurer why the audits were not done and she gave excuses such as, they are delayed, they are sick, there has been a flood, we have to find papers, among other things.
2. Jennifer Ashcroft, 67 Baltimore Avenue, asked if residents were allowed to dispense runoff from their property into the street? Mr. Junko replied "yes" that some homes do have stormwater that empties out onto roadways. Mr. Sabot advised that he has a similar problem where he lives and that they try to salt those areas with extra salt. She also complained about ice being thrown onto her vehicles from the snow plows. Mr. Junko explained that the snow plows have to be able to get through the roads and cannot help throwing snow and ice up from the blades. She also complained about a house on Altamont that has been purchased in a tax sale and gutted. She said all the contents and debris have been thrown out next to the house. Jarrod D'Amico advised that there are citations on that property and are waiting for a response.
3. An unidentified woman residing at 141 Bellevue complained about water run off near her home and that the Road Crew is driving too fast in the plow trucks. Mr. Sabot advised that they were down to one truck and were probably trying to get the roads done.

4. Tony Gennaccaro of 1601 Park Avenue thanked Jackie Kotchman and Erin Dinch for doing a great job. He also thanked the Supervisors for putting in a lot of hours.

ADJOURNMENT

****MOTION to adjourn to Executive Session at 5:53 pm** was made by Mr. Junko; seconded by Mr. Junko. Unanimously carried.