

CLINTON TOWNSHIP BOARD OF SUPERVISORS

REGULAR MEETING MINUTES

August 9, 2021 7:00 PM

Clinton Township, 711 Saxonburg Blvd, Saxonburg, PA 16056

BOARD OF SUPERVISORS:

Kathy Allen, Chairperson
William Duncan, Vice-Chairperson
James Halstead, Supervisor

STAFF PRESENT:

Tom Hartwig, Township Manager/Engineer
Luke Brewer, Road Foreman
Sarah Hancher, Solicitor

VISITORS PRESENT:

Mark Duster
John Ham
Amanda Peterson

CALL TO ORDER:

Chairperson Allen called the meeting to Order at 7:00 pm.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT ON AGENDA ITEMS:

No member of the public in attendance at the August 9, 2021 Regular Meeting of the Board had comments on Agenda Items.

SECRETARY/TREASURER'S REPORT

1. Treasurer's Report for August 2021 (Period of July 1 through July 31) – The cumulative beginning balance of all Township funds was \$2,214,730.07 and the cumulative ending balance of all Township Funds was \$2,088,324.95. A copy of the Treasurer's Report is attached to these minutes.
2. Minutes of July 12, 2021 Board of Supervisors' Regular Meeting
3. Minutes of July 26, 2021 Board of Supervisors' Agenda Setting Meeting
4. Payroll #15 dated July 23, 2021
5. Payroll #16 dated August 6, 2021
6. All Bills presented for payment and ratify all bills paid on July 26, 2021 at the Agenda Setting Meeting

to avoid late charge penalties.

A Motion was made by Supervisor William Duncan to approve the Secretary/Treasurer's Report, which included the items listed above. The motion was seconded by Supervisor James Halstead. The motion carried unanimously.

COMMITTEE REPORTS:

Park Committee Liaison Jim Halstead reported that the Park Advisory Board and Friends of Spring Valley Park met on July 26th at the Park. Both meetings were relatively short, with nothing to report other than the normal Park maintenance items continue to be completed and rentals for 2021 continue to be strong.

Planning Commission Liaison Kathy Allen reported the Planning Commission met on August 2, 2021 and officially heard two requests for variances, one of which was advanced to the Zoning Hearing Board. The Planning Commission will next meet on September 7, 2021 at 6 PM with a workshop followed by their Regular Meeting at 7:00 PM.

CORRESPONDENCE:

1. Maher Duessel Independent Accountant's Report – The Manager reported that Maher Duessel completed their audit of the period of January 1, 2021 through April 30, 2021. A copy of the audit report with findings was distributed to the Supervisors for review. Maher Duessel did not find any missing funds but did indicate that bank account reconciliations performed for the period of the audit were inaccurate for various reasons listed in the audit.

A Motion was made by Supervisor James Halstead to approve the Maher Duessel Independent Accountant Report. The motion was seconded by Supervisor William Duncan. The motion carried unanimously.

2. Christy Road Bridge Reclassification by PennDOT – The Manager indicated the PennDOT has changed the classification of this small culvert crossing structure to require a scour analysis and inspection of the bridge structure in the event of severe flooding and water overtopping the structure.
3. Letter from Richard Pavlina of BBDK Partnership – The Manager reported that he did receive a response from Richard Pavlina of BBDK Partnership and is satisfied that efforts are being made to address the runoff problem impacting the Duell family. BBDK Partnership indicated they met with both the County Conservation District and Penn State Extension relative to farming practices. Supervisors James Halstead and William Duncan spoke about the particulars of a NRCS Plan Mr. Pavlina claims to have in place. Mr. Hartwig indicated that he has not received any further complaints from Mr. and Mrs. Duell.
4. Memorandum of Understanding submitted by USGS for Parking on Township Property – The Manager received a written request from resident Walter Schachner who is an employee of the United State Geological Service to park a federal vehicle on Township property during weekdays for a term agreeable to the Township. He submitted an agreement for the Township to consider and the Manger forwarded that to the Solicitor for review and comment. It was the consensus of the Board to accept the recommendations of the Manager and Solicitor and limit the term to three (3) months and also to

incorporate limitation of liability language suggested by the Solicitor.

A Motion was made by Supervisor William Duncan to approve the agreement presented by the United States Geological Services for parking one vehicle in the Township parking lot for a period of 3 months with limitation of liability language furnished by the Solicitor. The motion was seconded by Supervisor James Halstead. The motion carried unanimously.

SOLICITOR'S REPORT

1. Purchase of the Morrow Estate Property – The Solicitor presented a Real Estate Purchase Agreement for the purchase of a 7.238 acre parcel owned by The Estate of Margaret T. Morrow identified by Parcel Number 100-2F08-20-0000 for the price set forth in a formal appraisal completed by Nicklas, King, McConahy dated September 21, 2020 on behalf of the Township. The Solicitor prepared this Real Estate Purchase Agreement and presented it to the attorney representing the Estate for his approval. The attorney representing the Estate requested one minor change regarding the amount of hand money Clinton Township is tendering upon execution of the Agreement. The amount of \$13,250 was requested upon execution of the Agreement instead of the amount of \$2,000 originally proposed. No other changes were requested.

A Motion was made by Supervisor William Duncan to approve the Real Estate Purchase Agreement between Clinton Township and The Estate of Margaret T. Morrow for the purchase of Parcel 100-2F08-20-0000 located at 675 Saxonburg Boulevard for the price of \$265,000 in accordance with the formal written appraisal obtained by the Township dated September 21, 2020 prepared by Nicklas, King, and McConahy as presented by the Solicitor. The motion was seconded by Supervisor James Halstead. The motion carried unanimously.

2. The Solicitor reported that she has been in contact with Shred-It concerning the termination of the contract with the Township. The contract can be terminated for a termination fee of approximately \$3,000. The Solicitor will continue to negotiate the termination fee and was of the opinion that this was a poor contract and coupled with billing issues the Township has been having with Shred-It, the contract should be terminated.
3. Alternative Energy Ordinance

A Public Hearing was held at 6:45 PM this evening to record public comments on a duly advertised amendment to the Zoning Ordinance for Alternative Energy at a duly advertised meeting of the Board of Supervisors for the purpose of receiving public comment on this Ordinance. The purpose of this regulation is to promote the safe, effective and efficient use of installed renewable energy systems that reduce on-site consumption of utility-supplied energy while protecting the health, safety and welfare of adjacent and surrounding land uses and properties. It is the Township's goal to provide property owners and business owners/operators with flexibility of satisfying their on-site energy needs and assuring continuing electrical supply during utility blackouts for such necessities as pumping well water, running freezers, refrigerators, air conditioners, and lighting for health and safety. Also, it is a secondary goal that through the progressive employment of renewable energy technology in the Township, a reduction in overall energy demands within the Township can be realized.

No member of the public present for the formal and duly advertised hearing offered any public comment on the proposed Ordinance.

A Motion was made by Supervisor William Duncan to approve the Alternate Energy Ordinance. The motion was seconded by Supervisor James Halstead. The motion carried unanimously.

MANAGER’S REPORT:

1. Public Works Garage Construction Status

J.D. Miller Construction has started work on the construction of the new garage. Material has been delivered to the site and Miller’s workforce has started erecting the structure, with framing complete. Roof truss installation is being worked on this week.

2. Public Works Garage Change Order Requests

A change order was presented for the addition of the garage door in the interior front wall of Bay Number 6. The Change Order was for a net increase to the construction cost of \$11,169.00. The necessity of this additional door was discussed at length and it was the consensus of the Board, Manger, and Road Foreman not to have the door and save the additional cost.

A Motion was made by Supervisor William Duncan to deny Change Order No. 1 in the amount of \$11,169.00 for the interior garage door. The motion was seconded by Supervisor James Halstead. The motion carried unanimously.

Township Manager Tom Hartwig also reported that there had been some discussion over the past couple of weeks concerning the elimination of a non-load bearing wall separating the “garage” portion of the building from the “lean-to” portion of the building. Supervisor William Duncan discussed the elimination of this non-load bearing wall as a means to save some costs on the garage construction, with Supervisor James Halstead agreeing and favoring an open interior concept. The Manager reported that he has had preliminary discussions with both the design engineer and contractor about eliminating the wall.

A Motion was made by Supervisor William Duncan to remove the interior garage non-load bearing wall and request a deduct Change Order from the contractor for this deletion. The motion was seconded by Supervisor James Halstead. The motion carried unanimously.

Township Manager Tom Hartwig indicated he would notify both the contractor and design engineer of this change and request a deduct Change Order from the contractor for this deletion of project scope. Mr. Hartwig will also request a price from Cernica Engineering to revise the design drawings to reflect this change ultimately for resubmittal to MDIA.

3. Public Works Garage Periodic Payment Requests

J.D. Miller Construction has submitted Periodic Payment Request No. 2 in the amount of \$48,100 for work completed and material stored for the period of June 15, 2021 to July 29, 2021. The Manager

recommended approval of Periodic Payment Request No. 2.

A Motion was made by Supervisor William Duncan to approve Periodic Payment Request No. 2 in the amount of \$48,100. The motion was seconded by Supervisor James Halstead. The motion carried unanimously.

4. Public Works Garage Design Update

The electrical, plumbing, and HVAC design and drawings are now complete and have been submitted to MDIA as a supplemental submittal. The garage is in West Penn Power's service territory and the Manager reported that he will be meeting with them to go over the service we need. We initially thought we needed a 3-Phase Service but now only need a Single-Phase Service due to the elimination of the air intake/exhaust system. We will determine the cost differential and proceed accordingly. The design is based upon 3-Phase service but can be easily downsized.

5. Permits and Code Enforcement

Applications for four (4) building permits relative to another Quad unit on Carriage Lane were given to Pitell Builders over the past two weeks. Enforcement action is on-going relative to a property on Sunmine Road under the nuisance ordinance and Westminster Road relative to driveway paving without a permit. Also, I am dealing with Pitell Builders on a sign installation without a permit.

6. GP – 11 Permit Status

The GP-11 Permits for both the Cannon Hill culvert bridge and Victory Road culvert bridge replacements have been issued by DEP. The Manager indicated that the Township is now in a position to do these replacements when funds are available. The Manager will review the Cannon Hill Bridge work with the Road Foreman in the near future to see if this is a project to undertake this fall.

7. Newsletter

The second Township Newsletter of the year has been prepared and sent to an outside company in Gibsonia we discovered for final assembly and bulk mailing. This turned out to be a far more efficient and cost-effective approach to take on the newsletter assembly and mailing.

8. Quickbooks

The Manager and Administrative Assistant had a two-hour session with Diane Patton concerning questions we had regarding Quickbooks, the ARP funding we received, and clean-up of our Quickbooks accounts. The session was valuable and we discovered that the Liquid Fuels Fund and General Fund were not handled correctly in the past when it comes to paying for projects funded by Liquid Fuels money. The Manager reported that was addressed during this session for 2021. Additionally, a health insurance payment was discovered to be incorrectly posted to an Equity account in QB that probably was the cause of the final discrepancy noted by the auditors in their 2020 Audit Report. This will be corrected on August 18th. Lastly, the Manager reported that Mrs. Kohley and himself still need to assemble a memo to the Board justifying the use of QB for payroll here in the future.

A Motion was made by Supervisor William Duncan to approve the Manager's Report. The motion was seconded by Supervisor James Halstead. The motion carried unanimously.

ROAD DEPARTMENT REPORT:

FACILITIES AND EQUIPMENT

1. The Road Department sealed the Road Department block building roof.
2. The Road Department took the 2018 Massey Ferguson Boom Mower up to Stephenson Equipment to have them install hydraulics on the back for the pull behind broom.
3. The Cat Backhoe is being returned to Cleveland brothers as we are done using it.
4. The 2016 Ford F550 is still awaiting a DEF filter to come in from Butler County Ford. The part is under warranty.
5. The Road Department has done routine maintenance on the trucks and equipment.
6. The Road Department will be doing some drainage work in the Township Building parking lot in the near future.

ROADS

1. The Road Department has been mowing the Township roads. We started the second round of mowing. The roads that moved so far are Knoch Road, Rachel Dr, Old Route 228, Deer Creek Road, Timber Ridge, Ivywood Road, Brewer Road, and Westminster Road.
2. The Road Department set seven (7) catch basins and installed seven (7) cross pipes on Wylie Road.
3. The Road Department "moon" paved on Stark Road and Hidden Hill Road where the shoulder needed repaired.
4. The State Police have been patrolling Victory Road, Brewer Road, and Westminster Road for speeders and overweight vehicles.
5. The Road Department had 2 emergency call outs in July for trees down on Brewer Road.
6. We spoke to PennDOT about line painting on State Route 228 by Brewer Road. They did some painting but must finish. A message was left for the traffic unit to get ahold of us.
7. We are getting price quotes for tree trimming on Brewer Road. We are waiting to hear back from four (4) contractors interested in the work.
8. Notified Vogel disposal again about no right hand turns out of Jack Road, as they are still scratching the road surface. A letter will be sent to Vogel.

9. Merlo Construction is just about done with the Brewer Road Bridge. It should be done around Aug 16th.
10. Youngblood Paving Inc finished the 2021 tar and chip seal project. The roads that got tar and chipped were Deer Creek, Wylie, Old Route 228, Tower, Brewer, Albin, Westminster, Sun-Mine, Callen, Stark, Hidden Hill, Goldscheitter. The project went very well with no issues.
11. The Road Department swept these roads in preparation for the 2021-line painting that will be done this summer.
12. Shields Asphalt and Paving is scheduled to pave Coal Hollow Aug 9th. The work should be done by Aug 10th. The project will include placement of 4 inches of binder asphalt and millings along the edge with an application of MC-70.
13. Cronin Enterprise is completed with the Tower Road Sewer Project. Their Road Bond was returned to them.
14. Public Works has cleaned catch basins and cross pipes throughout the Township and patched many potholes on Township Roads.
15. The Road Department has been picking trash up at the Roundabout and mowing the grass.
16. The Road Department installed 30 yds of mulch in the flower beds throughout the roundabout.
17. The Road crew has made and marked PA. One Calls for speed limit, weight limit, and other signs throughout the Township.
18. The Goldscheitter Road Bridge is now open to the public. The paving portion is completed.

Supervisor William Duncan reported that he had the opportunity to view the road and bridge and was disappointed in the general alignment of the culverts and road crossing the stream. He requested the Township Manager to write a letter to the County Engineer expressing the Township's dissatisfaction with the finished alignment.

19. The Road Department has been monitoring the construction work in the Industrial Park and the work being done in the Plantation. The biggest issue with contractors is keeping our roads swept.
20. The Road Department is scheduled this week to shave the hillside back at 241 Victory Road to improve the line of vision to the south from the end of the driveway.
21. The Road Department has been back filling with the moon paver throughout the Township.

MISCELLANEOUS

1. The road crew has ordered new signs for installation throughout the Township.

2. The Public Works crew took delivery of some new tools to replace what was lost in the fire.
3. We are updating the road rating system based upon current information and project status.

Chairperson Kathy Allen complimented the Public Works crew for their efforts in spreading mulch in the round-a-bout area.

Road Foreman Luke Brewer reported that he just received a Costars Quote for a new Salt Shed of \$76,000. This would be for a 30x60 Salt Shed. One other “non- Costars” company from Ohio quoted a price of \$40,000 to \$50,000. Supervisor William Duncan requested that the Manger obtain a price quote for a 30x60 foot pole building with electric but no garage door instead of a Salt Shed. Manager Tom Hartwig indicated he would obtain this quote from J.D. Miller and Sons Construction.

A Motion was made by Supervisor William Duncan to approve the Road Report. The motion was seconded by Supervisor James Halstead. The motion carried unanimously.

NEW BUSINESS NOT ON AGENDA:

The Manager reported on a letter received from the Saxonburg Volunteer Fire Department today soliciting contributions in the form of a donation from American Relief Plan funding received by the Township to aid them in covering their expenses as well as revenues lost during the pandemic. The letter was hand delivered by President Chuck Lewis. Additionally, the Manager received a call early this evening from Mr. John Cypher, Supervisor of Jefferson Township, essentially requesting the Township’s help in contributing some American Relief Plan (ARP) monies to the fire department contingent upon the Fire Department changing their tax exempt status from a 501C4 to 501C3. Both Chuck Lewis of the Fire Department and John Cypher explained that their filing status as a 501C4 is making it difficult for municipalities to donate American Relief Plan funds to the Fire Department. The problem lies with the classification as a 501C4 non-profit instead of a 501C3 non-profit. Donations of this ARP grant money apparently cannot be made to 501C4 non-profit per the IRS Tax Code. The Manager recommended that the Solicitor look into this on behalf of the Township and advise the Board accordingly. Visitor John Ham and Solicitor Sarah Hancher both indicated that a 501C3 non-profit is created for the benefit of the community in general while a 501C4 is created for the benefit of its members. Supervisor William Duncan also requested that the Manager find out how much Winfield Township and Jefferson Township donate to the Saxonburg VFD annually.

PUBLIC COMMENT ON NON-AGENDA ITEMS:

Visitor Mark Duster reported a large pothole forming in he center of Jack Road near 130 Jack Road. Road Foreman Luke Brewer indicated he would address this issue with a cold patch repair. Mr. Duster also questioned why there were no guardrails on the upper end of Deer Creek Road where the road edge drops off dramatically. Supervisor William Duncan responded that the Township has many roads where guard rails would be justified if the money was available. Some areas feature more significant road edge drop offs than the upper end of Deer Creek Road. However, the cost to install guardrail is expensive and the Township simply does not have the funds to install guardrail per PennDOT current standards everywhere it is probably warranted. Instead, the Township relies upon edge of road delineators or markers to aid drivers navigating these types of road sections.

Chairperson Kathy Allen voiced her concern that various changes made to the Township’s Zoning and Subdivision and Land Development Ordinances did not make it into the final version of the Codified

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Ordinances adopted by the Township. If indeed this were the case, Supervisor William Duncan wanted to know what document should the Township and its residents follow: The Ordinances as revised and voted on; or the final Codified Ordinances adopted by the Township. Solicitor Hancher replied that the final Codified version of the Ordinances adopted by the Township would prevail and that the Township could note all discrepancies between the final Codified version of the Ordinances adopted and what was intended by previous vote(s) and make all changes or updates at one time. The Manager indicated that he and Ashley Kohley would review records to determine if everything was included in the final Codified version of the Ordinances as intended. However, the Codified E-360 Code of Ordinances is the document to be followed.

MOTION TO ADJOURN:

A Motion was made by Supervisor Jim Halstead to adjourn the July 12, 2021 Regular Meeting of the Clinton Township Board of Supervisors at 7:50 PM. The Motion was seconded by Supervisor William Duncan. The motion carried unanimously. The Meeting was officially adjourned at 7:50 PM.

Respectfully Submitted:

A handwritten signature in black ink that reads "Thomas L. Hartwig". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Thomas L. Hartwig, P.E.
Manager
Clinton Township