

Canonsburg Borough Council Meeting

Monday April 10, 2017

6:30 PM

CALL TO ORDER:

The meeting was called to order by Mr. Bell at 6:30 pm.

Moment of Silence called by Mr. Bell.

Pledge of Allegiance

Roll Call:

Mr. Paul Sharkady-Present

Mr. John Severine-Present

Mrs. Tina Bails - Present

Mr. Joe McGarry - Vice President-Present

Mrs. Fran Coleman - Present

Mr. Harold Bowman - Present

Mr. Richard Bell –President- Present

Others Present: Solicitor Mr. Patrick Derrico and Mr. Jeff Derrico, Borough Manager Ms. Denise Lesnock, Mayor David Rhome, Fire Chief/Public Works Mr. Tom Lawrence, Chief of Police Mr. Alex Coghil and KLH Engineer Mr. Bob Robinson.

GUESTS:

Mr. Ron Gainer, representing Extenet and Verizon, approached Council regarding the small cell towers. Mr. Gainer said he has been working with the Planning Commission and engineers in regards to the location of the wood poles. Typically, they co-exist on an existing poles, however, West Penn Power does not allow. Mr. Gainer discussed the reasoning for the sites. The nearest cell tower is located at 78 Lewicki. The data is driving the need for the wood poles. There is coverage, however, during peak hours the site is maxed out resulting in poor coverage in certain areas. The wood poles are modern targeted solutions to help offload the traffic of the macro tower, in this case, the Lewicki Tower. Propagation maps are not provided because there is coverage and this is data and capacity issues. Mr. Gainer had a letter from an engineer which was provided to the Borough's engineer.

Mr. Jeffrey Derrico asked several questions:

1. Why the Public Utility certificate stating Clearlinks was a public utility was not updated from Clearlinks to Extenet? A letter dated March 14, 2007 from the Public Utility Commission, was provided to Mr. Derrico. The letter stated ClearLinks adopted a new assumed business name Extenet Systems Inc. Mr. Derrico asked if this was accurate.

Mr. Gainer stated it was accurate and it was a name change. Mr. Gainer stated he did not know why a new certificate were not obtained, however, there are documents linking the two companies together.

2. Why the antennas cannot be placed on existing structures?

Mr. Gainer replied West Penn Power will not allow equipment on their poles. Mr. Gainer to obtain documentation stating the West Penn Power does not allow equipment on their poles and will provide the documentation to the Borough. They will allow the antenna; however, they will not allow the cabinet on the poles. Mr. Derrico inquired if the poles can withstand stresses such as fierce winds. Mr. Gainer said the poles are engineered to code and standards of Canonsburg. A Pennsylvania engineer has stamped the construction. Mr. Robinson stated the cabinets do not appear to take up 4 feet as indicated in the engineer's report and could the cabinets co-exist on a pedestal mount next to a utility pole.

3. Are other communication systems permitted to use Extenet poles?

Mr. Gainer replied, "Yes."

4. How many equipment cabinets can go on a pole?

Mr. Gainer stated the equipment as proposed is only for Verizon. A neutral post would be needed as it holds larger equipment and holds up the three customers. This may require a bigger thicker pole. Extenet is in the business to build these for as many customers as possible and would welcome other carriers on their poles. Mr. Derrico stated he understands it is common for Extenet to pay a Cost Based Recovery Fee for each node. In addition to the permitting fee, in which Mr. Gainer has paid \$1,400, the Borough is permitted to charge an annual cost based recovery fee between \$400 to \$500 per year, per node. Mr. Gainer stated that is consistent with other communities.

5. What happens when a company wants to roll out the 5 G coverage?

Mr. Gainer said he believes that will be an upgrade to the macro towers and not the small cell sites.

6. Were other tall buildings or Borough properties considered versus in the right-a-way?

Mr. Gainer stated since they are a public utility they want to stay in the right-a-way.

7. Does Extenet use Stealth technology to make it blend in with surroundings?

Mr. Gainer said it can, however for the wood poles, the most that can be done is paint to match. Mr. Derrico stated the proposed draft ordinance would require stealth technology to treat the poles. The poles are a little higher than the utility poles (38 feet); Extenet can agree to go as the same height as the utility poles. In the proposal, the poles are significantly higher. Extenet has the smallest equipment out there.

8. Will Extenet have insurance on the equipment to protect the Borough from any liability?

Extenet can add the Borough and provide a certificate of insurance. The standard coverage is one million dollars. Mr. Gainer has not seen the proposed ordinance. Mr. Gainer will provide documentation allowing other carriers on their poles.

9. Does the equipment installed emit frequency emissions more than the standards of the FCC?

Mr. Gainer stated "no" as Extenet and Verizon are heavily regulated and are well within the safety standards.

10. Will there be signage on the poles to identify who owns the poles and who to contact in the event of an emergency?

Mr. Gainer said "yes."

11. The draft ordinance states the poles are to be the average height of the utility poles within a two-block radius. Is this doable under the limitations?

Mr. Gainer stated he needs to verify this, however, he thinks it may be doable.

Mrs. Bails inquired on the number of poles. Mr. Gainer replied four. Mrs. Bails asked if there was another tower in Southpointe other than the Lewicki tower. Mr. Gainer said the Lewicki tower is the tower that needs the help. Mr. Gainer to find out if there is another tower in Southpointe. Mrs. Bails asked if there will be an expansion of poles once the four are placed. Mr. Gainer said not until the new ordinance is in place.

Mr. Bell asked if a new application is needed if more poles are requested. A new application would be needed.

Mr. Severine asked how it was determined more data was needed and why the East End of Canonsburg. Mr. Gainer said it is his understanding this is the area that needs help. Mr. Severine asked why another town in between the Lewicki tower and Canonsburg was not picked. Mr. Gainer said maybe they will in the future. Mr. Severine asked why not place a booster tower in Southpointe, Mr. Severine said he gets great reception on his phone. He asked how Extenet, which Mr. Severine said is based out of the state of California, chose Canonsburg. Mr. Gainer said the company is located in Pittsburgh. Mr. Gainer said that Verizon is stating where the poles need to be located. Mr. Severine suggested reaching out to Verizon. Mr. Jeff Derrico said Extenet is a public utility which has very limited timeframes in which the Borough must act or they will get it anyway. Mr. Derrico further stated the FCC and the federal

courts have already dictated this is to move ahead. Mr. Derrico said there are rules that they must abide by, called shot clock, which dictates very strict time frames or they move ahead and the Borough could end up in court. Mr. Lawrence stated at one time West Penn Power owned all the poles, now Verizon owns some poles. Mr. Lawrence asked if Verizon considered any of the poles they own. Mr. Gainer said that was their priority, there are none. Mr. Derrico said there is not enough time to get the ordinance in place before the Borough must act. Mr. Derrico said they will get their poles and it is up to the Borough to control where the poles are located and the annual fee, the Borough needs to act and will have to act before the next month's meeting. Mr. Derrico has been consulting with the Cohen group on this matter. The Cohen group is advising the Borough to act soon. Mr. Bell said he would like to see this worked out amicably and institute the Borough's guidelines and avoid federal court. Mr. Derrico said their equipment fits the guidelines in the proposed ordinance; however, there is no time to get the ordinance in place and approve. Mr. Derrico recommends approving with conditions similar to the proposed ordinance. Mr. Severine asked the consequences if Extenet backs out once the Borough approves it. There will be a contract as Mr. Bell mentioned. Mr. Gainer said he sees no issues, other than the height, with the proposed ordinance. Mr. Derrico said action must be taken tonight, either deny the request or approve with conditions. This will be in the voting items. Mr. Derrico met with Mr. Gainer to discuss further.

PUBLIC COMMENTS:

None

PRESIDENT'S COMMENTS:

Mr. Bell thanked Mr. Patrick Derrico for his firm bringing in Mr. Jeff Derrico to assist with Extenet's request. Mr. Bell said they have been working on the park operations which will be ready for next month's meeting. Mr. Bell stated Council has many meetings that take place in the day for remodeling and updating the downtown area. The lighting is very poor and they have been working with the Street commission for better lighting. New businesses are coming into town. Mr. Bell said the Borough is making progress.

MAYOR'S REPORT:

Mayor Rhome reported on the following:

1. March Police Report was included in the Board's package for review.
2. Parking Enforcement Report was included in the Board's package for review.
3. Grand Opening of Kang's Black Belt Academy.
4. Bridal shop to open in June in the old Canonsburg Hospital Physician Center.
5. March 18, 2017 was the 5k run/walk coordinated with the Police Department and was successful.
6. September the Parks and Recreation Committee will have a pool party at the park.
7. A grave marker at Oaks Spring Cemetery was discussed. This is sponsored by Mayor Rhome and Jeffrey's Drugstore.
8. Proclamation for Business and Professional women for Equal Pay Day on April 4, 2017.
9. May 6, 2017, with the coordination of the Mayor and Brandon Newman, there will be a paper shredding event at Mr. Newman's office.
10. April 29, 2017 from 10 am to 2 pm, the Police Department will have armed officers at the Shop N Save for the semi-annual Drug Take Back program. The program keeps thousands of pounds of drugs out of the water system.
11. The Police Department, Mr. Coghill and the Mayor have started an Autism Sticker Program.
12. The Police Department continues to be involved with the Task Force in the county due to the heroin

epidemic.

13. Mutual Aid Agreement. Mr. Coghill stated recently a court case came up that was challenged for suppression of the mutual aid agreement. Mr. Coghill stated a mutual aid agreement has not been signed in a long time. Mr. Coghill will discuss at a Police Chief's meeting April 11, 2017. Mr. Bowman asked if the state covered police officers. Mr. Coghill said there are two areas in which they cover, one being mutual aid and the second being the municipal police officer's jurisdiction act, which is limiting. These are used for felonies. The current court case is for a DUI case. This case is where a local jurisdiction observed the violation and the Borough's office made the stop. Mr. Bell stated at one time the mutual aid agreement amongst all the communities was handled through the 911 center. Mr. Coghill stated 911 could not find the agreement nor the district attorney's office.

14. A motorcycle is being donated for the Police Department by the Barnes Brothers and Suzuki Corporation. There are options that can be added on such as heated grips, baggage on the back seats, pull out stations for writing, gear for the officer as well as training. There is a sergeant interested in utilizing the motorcycle. Mayor Rhome stated the Borough needs to approve the motorcycle donation. Mr. Coghill stated the timeframe is about two weeks; the stages after would be developing and implementing a policy and officer training. Mr. Bell said it is not only a local business wanting to donate but also Suzuki Corporation. Mr. Bell stated this is very valuable and a plus to the Police Department. Mrs. Coleman stated it was great.

15. Parking spaces discussed for the Jefferson Avenue parking lot since the library has moved out. The Mayor met with Mr. Lawrence and Mr. Severine. The Mayor said there are 7 parking spaces, 4 of which are handicap spaces. There are an additional 3 parking spaces that were reserved for staff for a total of 10 parking spaces. The Mayor would like to reduce the handicap to three spaces. The Mayor discussed adding parking meters at a cost of \$321.50 per meter or a total of \$3,215 for ten parking meters. Mr. Bell said Mr. Severine mentioned parking permits. Mr. Bell stated in the past, parking permits were issued to businesses. Mr. Bell suggested monthly parking rentals versus parking meters. Mr. Bell discussed the Micro-Brewery which will be opening soon with 7-8 employees. Mayor Rhome spoke to the Micro-Brewery regarding parking for his customers and they would like to purchase one space. Mr. Bell said he would like to meet with the Mayor, Mr. Coghill and Mr. Lawrence and another council member to discuss options that are the best for the community.

16. \$500 donation from Charles and Linda Kazminski family to purchase another ballistic vest for the Police Department.

17. Fourth of July-Robert Casey and Representative Brandon Neuman and the Fourth of July Committee applied, in recognition for the First Responders, for the area they are going to recognize in this years parade. The Mayor's Office submitted a lengthy application. They want to fly over Canonsburg. This will be a heroic celebration for Canonsburg.

Engineer's Report:

Mr. Robinson reported on the following:

1. Flood Control Project- Chartiers Creek Flood Project -Mr. Mowry attended a pre-construction meeting on this date. Mr. Robinson will update the Borough on Strnisha's schedule. The Flood Control grant for McBurney and Chartiers Creek is extended until June 30, 2018. The grant for Water Alley will expire on June 30, 2017.

2. Apple Hill Phase IV- the ordinance for the acceptance of public improvements is on the voting items agenda.

3. North Central Avenue, Elm Alley and Yoney Drive Sanitary Sewer Repair Rehabilitation- the bidding environment has been exceptional with great prices. The bids ranged from \$102,400 to \$172,092. The estimate was \$160,000. Roto-Rooter Services is the lowest responsible bidder. It is

KLH's recommendation for North Central Avenue, Elm Alley and Yoney Drive Sanitary Sewer Repair are awarded to Roto-Rooter in the amount of \$102,400. Would like to proceed ASAP before Penn Dot does paving.

Solicitor's Report:

Mr. Derrico stated the Borough could pass a resolution tonight with conditions outlined and pass the ordinance for the future.

Committee Reports

1. **Administration and Finance:** Mrs. Coleman stated bills were reviewed and ready for approval.

Motion to approve Canonsburg Borough bills.

Mrs. Coleman made a motion to pay the bills. Second by Mr. McGarry.

Roll Call:

Mr. Bowman-Yes

Mrs. Coleman-Yes

Mr. McGarry-Yes

Mrs. Bails-Yes

Mr. Severine-Yes

Mr. Sharkady-No

Mr. Bell-Yes

6 Yes. 1 No. Motion Carries.

2. **Code:** A tree in town Park was breaking concrete, a sidewalk will be poured.

3. **Public Works and Public Safety-** Report provided last week.

4. **Facilities, Energy and Technology-** No report

5. Parks and Recreation:

Mrs. Bails reported on the following:

1. The Softball Association has started practicing and holding games in the upper and lower fields.

2. The Basketball court- the hoops will be installed. The court will be shared with Pickle Ball. Mr. Bevec to paint the lines in the court. There will be a portable net for Pickle Ball.

3. The lighting in the bath house has been upgraded. A new floor to be installed in the ladies and men's room, completed before the opening of the pool.

4. New roof on Yoney Pavilion.

5. Tree removal of the dead trees.

6. FITS group cleaning and mowing grass.

7. Easter Egg Hunt April 15, 2017. Donuts and coffee to be sold in the morning.

8. Organizing Dinner at the pool on September 9, 2017. Texas Roadhouse has committed to supplying full prime rib dinners at no cost to the Borough, All Occasions is donating tables, linens, ect. There will also be a DJ. The goal is to raise money to offset expenses. Tickets \$50 person, \$90 a couple. To secure an entire table is \$1,000 which includes a sign, a banner for the pool from opening day until the closing of the pool, a banner in front of the Borough building and possibly in the Fourth of July parade. Rusty Gold Brewery is donating beer. Looking for a winery. There will also be a Chinese Auction.

9. Applying for LSA grants.

10. New lighting is needed at the basketball court and baseball fields.

11. Advertising for pool employees is needed.

6. **Redevelopment:** Mr. Severine discussed the home improvement project and the need to get the information to the public. Mr. Severine mentioned a resident that has qualified.

7. **Sewer Authority/Water/Sewage:** no longer a committee

VOTING ITEMS:

1. Motion to approve March 13, 2017 meeting minutes of Canonsburg Borough Council.

Mrs. Bails made a motion to approve the March 13, 2017 meeting minutes of Canonsburg Borough Council. Seconded by Mr. McGarry.

All in favor. Motion Carries.

2. Motion to approve Ordinance #1332 adopting as public streets in the Borough of Canonsburg, the new part of Lucia drive and part of Rose Avenue and the storm and sanitary sewers therein, within the road right-of way in Apple Hill Phase IV Plans.

Mr. Severine made a motion to approve Ordinance #1332 adopting as public streets in the Borough of Canonsburg, the new part of Lucia drive and part of Rose Avenue and the storm and sanitary sewers therein, within the road right-of way in Apple Hill Phase IV Plans. Seconded by Mrs. Bails.

All in favor. Motion Carries.

3. Motion to approve Ordinance #1333 giving the Fire Inspector the right to issue a \$50 ticket in lieu of going through the citation process.

Mr. Severine made the motion to approve Ordinance #1333 giving the Fire Inspector the right to issue a \$50 ticket in lieu of going through the citation process. Seconded by Mrs. Coleman.

Roll Call:

Mr. Bowman-Yes

Mrs. Coleman-Yes

Mr. McGarry-Yes

Mrs. Bails-Yes

Mr. Severine-Yes

Mr. Sharkady-Yes

Mr. Bell-Yes

7 Yes. 0 No. Motion Carries.

4. Motion to approve purchase of a new 2017 F550 Dump Truck in the amount of \$74,177.

Mr. McGarry made a motion to approve purchase of a new 2017 F550 Dump Truck in the amount of \$74,177. Seconded by Mr. Bowman.

Roll Call:

Mr. Sharkady-Yes

Mr. Severine-Yes

Mrs. Bails-Yes

Mr. McGarry-Yes

Mrs. Coleman-Yes

Mr. Bowman-Yes

Mr. Bell-Yes

7 Yes. 0 No. Motion Carries.

5. Motion to award the N. Central Ave., Elm Alley and Yoney Drive Sanitary Sewer Replacement Project to Roto-Rooter in the amount of \$102,400.

Mr. McGarry made a motion to award the N. Central Ave., Elm Alley and Yoney Drive Sanitary Sewer Replacement Project to Roto-Rooter in the amount of \$102,400. Mrs. Coleman seconded the motion.

Roll Call:

Mr. Bowman-Yes

Mrs. Coleman-Yes
Mr. McGarry-Yes
Mrs. Bails-Yes
Mr. Severine-Yes
Mr. Sharkady-Yes
Mr. Bell-Yes

7 Yes. 0 No. Motion Carries.

Mr. Sharkady stated sealed bids are to be opened at a Council Meeting. Mr. Derrico stated Mr. Sharkady was correct as the sealed bids should be opened at the Borough meeting. Mr. Robinson said he was not aware they had to be opened at a public meeting. In the past, bids were opened at a public meeting. Mr. Robinson stated the bids openings are open to the public, this was advertised two times. In the future, sealed bids will be opened at regular meetings.

6. Motion to approve the request of Extenet Systems Inc for the placement of four small cell utility poles conditioned upon the following: 1. the four locations would be the four locations approved by the Planning Commission. 2. Extenet to pay to the Canonsburg Borough \$300 per node per year for the use of right-a-way. 3. All the poles and equipment would meet the Canonsburg Borough building codes and all plans shall be approved by Pennsylvania licensing engineer. 4. Extenet would commit to allow a total of three service providers to use each pole with Verizon being the first and the service providers could be accommodated on those poles. 5. The poles and equipment are to be painted to be consistent with existing utility poles. 6. Frequency emissions to follow FCC regulations. 7. Insurance will be provided by Extenet naming the Borough as an additional insurer in the amount of 1 million dollars General Liability and 1 million dollars property damage per occurrence. 8. The height of the poles will not exceed the average height of the utility poles in the surrounding two block radius by more than two feet. 9. Extenet agrees to pay an additional \$300 per service provider using the pole. 10. The equipment cabinets will be in minimum 13 feet off the ground. 11. No communications tower, no communications antenna shall interfere with public safety, communications or the reception of broadband, television, radio or other communications services enjoyed by occupants.

Motion by Mr. Bowman Motion to approve the request of Extenet Systems Inc for the placement of four small cell utility poles conditioned upon the following: 1. the four locations would be the four locations approved by the Planning Commission. 2. Extenet to pay to the Canonsburg Borough \$300 per node per year for the use of right-a-way. 3. All the poles and equipment would meet the Canonsburg Borough building codes and all plans shall be approved by Pennsylvania licensing engineer. 4. Extenet would commit to allow a total of three service providers to use each pole with Verizon being the first and two service providers could be accommodated on those poles. 5. The poles and equipment are to be painted to be consistent with existing utility poles. 6. Frequency emissions to follow FCC regulations. 7. Insurance will be provided by Extenet naming the Borough as an additional insurer in the amount of 1 million dollars General Liability and 1 million dollars property damage per occurrence. 8. The height of the poles will not exceed the average height of the utility poles in the surrounding two block radius by more than two feet. 9. Extenet agrees to pay an additional \$300 per service provider using the pole. 10. The equipment cabinets will be in minimum 13 feet off the ground. 11. No communications tower, no communications antenna shall interfere with public safety, communications or the reception of broadband, television, radio or other communications services enjoyed by occupants. Seconded by Mrs. Bails.

Roll Call:

Mr. Sharkady-Yes
Mr. Severine-Yes

Mrs. Bails-Yes
Mr. McGarry-Yes
Mrs. Coleman-Yes
Mr. Bowman-Yes
Mr. Bell-Yes

7 Yes. 0 No. Motion Carries.

7. Motion to accept Barnes Brothers and Suzuki Corporation's gift of a new 2017 Suzuki motorcycle.

Motion by Mr. McGarry Motion to accept Barnes Brothers and Suzuki Corporation's gift of a new 2017 Suzuki motorcycle. Seconded by Mrs. Bails.

Roll Call:

Mr. Bowman-Yes
Mrs. Coleman-Yes
Mr. McGarry-Yes
Mrs. Bails-Yes
Mr. Severine-Yes
Mr. Sharkady-Yes
Mr. Bell-Yes

7 Yes. 0 No. Motion Carries.

UNFINISHED BUSINESS:

1. Zoom Corporation Update- no changes
2. Senior Citizen's Building -Mr. Mowry with KLH still investigating problems at the Senior Center.
3. Park By-laws- reviewed today and are ready.
4. Vacant building ordinance-will be completed next month
5. Weight Limits ordinance- Mr. Lawrence and Mr. Robison working on this.
6. Amendment for cell tower ordinance- still working on with Mr. Jeff Derrico. Redline copy expected today.

NEW BUSINESS:

1. Vest for fire inspector- the police department have vests out of warranty which will not be used. Mr. Bell asked if the life expectancy is five years from purchase or five years from being worn. Mr. Coghill to research and update Mr. Bell.
2. Slide at Park- no weight limit yet but Mr. Lawrence to investigate.

EXECUTIVE SESSION:

None

ADJOURNMENT

Motion by Mr. Mc Garry to adjourn the meeting at 8:02 pm. Seconded by Mr. Bowman.
All in favor. Meeting adjourned at 8:02 pm.

Enclosures:

None

Submitted by: Michelle LoBello