

**TOWN OF McCANDLESS
MINUTES – ZONING COMMITTEE MEETING
JULY 18, 2016 TOWN HALL**

The meeting was called to order at 7:30 p.m. by Committee Chairman McKim, with the following in attendance: Council Members Zachary, Aufman, Mertz, Powers, Walkauskas and LeDonne. Others present: Town Attorney Ries, Town Manager Cordek, Assistant Town Manager Ebner, Bruce Betty, Land Use Manager, John Bojarski, Communications Assistant, Marie Haller, Administrative Assistant and citizens as per the sign-in sheet.

**ALLEGHENY COUNTY CONSERVATION DISTRICT
MEMORANDUM OF UNDERSTANDING**

Committee Chairman McKim provided an overview of a resolution recommended to authorize the Town to enter into a Memorandum of Understanding (MOU) with the Allegheny County Conservation District (ACCD) to define roles and responsibilities as defined by the law for regulatory programs and to substantiate Pennsylvania Department of Environmental Protection (PADEP) Municipal Separate Storm Sewer (MS4) requirements.

Jan Lauer, ACCD District Manager and David French, Allegheny County Stormwater Consultant were in attendance and summarized the history of the ACCD that was formed under the authority of the Conservation District Law (Act 217). Through this act, the state's conservation districts were asked to "provide for the conservation of the soil, water, and related resources of the Commonwealth." The first districts were formed in 1945 and Allegheny County adopted a resolution in 1946 to establish the Allegheny County Soil Conservation District, with this being ACCD's 70th anniversary. Ms. Lauer shared that the ACCD has a board of nine people which is governed by state law.

The ACCD has distributed the MOU to all Allegheny County municipalities for the purpose of formalizing their working relationship, interactions and responsibilities. This document contains seven component parts including: 1) Erosion and Sediment Pollution Control/NPDES for Stormwater Discharges Associated with Construction Activities - Chapter 102. 2) Water Obstructions and Encroachments - Chapter 105. 3) NPDES Municipal Separate Storm Sewer Systems - MS4. 4) Agricultural Related Activities. 5) Watershed Program. 6) Dirt and Gravel/Low Volume Roads Program. 7) Data Collection and Information Systems. 8) Execution.

Town Manager Cordek discussed the MOU and affirmed the Town has a strong relationship with the ACCD and much of the content contained within this document has been addressed in an ongoing relationship with them. He also shared that this MOU is based on state statutes and is being implemented to formalize and define responsibilities of the ACCD and the Town.

Councilman McKim confirmed with Ms. Lauer, the MOU will be effective when authorized and executed by Town Council. Council President Aufman pointed out the ACCD collects fees directly. Ms. Lauer provided a brief overview of the fees, noting fees are primarily associated with building. She explained the ACCD acts as an intermediary, always doing their best to assist with communication between municipalities and property owners to address and facilitate amicable resolutions to construction and post construction issues.

In response to questions posed by Councilmember Zachary, Ms. Lauer shared this MOU does not replace any previously recorded agreement and it does not change the services provided, rather this MOU formalizes the ACCD's role by outlining the scope of work they conduct. Ms. Lauer discussed the ACCD's board structure and its operations. The ACCD is an instrument of the state, the county appoints board members which are approved by the State. She emphasized the MOU is needed to support municipal MS4 audits performed by the PADEP and EPA; without this MOU, fees may be assessed by these regulatory bodies. Ms. Lauer emphasized that the ACCD has a very broad mission and a strong cooperative relationship with the Town. She also discussed education elements and ACCD's plan to publish a brochure by the end of the year that will describe regulatory programs.

Town Manager Cordek reported Attorney Kevin Garver, counsel of the North Hills Council of Governments (NHCOG), has reviewed the MOU and recommended it for approval with the changes he suggested; these have been incorporated. Mr. French remarked municipalities should and do consider the ACCD as an important resource. Land Use Administrator Betty shared that he deals with post construction issues frequently and it has been made very clear to him the MOU is needed and it is a valuable resource to the Town.

PUBLIC COMMENT

Mark Donatelli, 9753 Griffith Road, discussed his concerns about flooding and North Park Lake. He discussed the ALCOSAN flood control project and his concerns regarding the impact of the potential Walmart Development. Ms. Lauer stated the ACCD is not involved in either of these projects.

Barbara Richards, 305 Manor Court, asked where residents would come into play. Ms. Lauer stated resident complaints usually involve issues between neighbors and the ACCD does not get involved with civil matters.

John Harrison, 1473 Hedwig Drive, asked questions pertaining to ACCD salaries, fees and employment.

Ms. Lauer explained that the ACCD is a stand-alone authority, acts similar to a non-profit but is not. Salaries and budgets fluctuate from year to year. The ACCD is not permitted to make a profit, but may maintain a reserve. There are 66 conservation districts in the state and 130 municipalities in Allegheny County; the ACCD receives some operating monies from the State, remaining funds are generated by fees, which are primarily received from developers. Ms. Lauer mentioned the ACCD board has discussed the generation of funds and may consider offering MS4 support and education to municipalities for a set fee which has not yet been established.

ADJOURNMENT

At 8:46 p.m. Committee Chairman McKim adjourned the meeting until the close of the Finance Committee meeting for the purpose of interviewing candidates for the Town’s Environmental Advisory Committee. A short recess occurred at 9:47 p.m. Committee Chairwoman Powers reconvened the meeting at 9:52 p.m.

Respectfully submitted,



Marie A. Haller
Administrative Assistant

