

TOWN OF McCANDLESS
MINUTES – COUNCIL’S RECONVENED REGULAR BUSINESS MEETING
DECEMBER 7, 2015 TOWN HALL

CALL TO ORDER

The meeting was called to order at 7:31 p.m. by Vice Chairman Aufman with the following in attendance: Council Members Potter, Krey, Powers, Oliver, LeDonne and McKim: Town Attorney Ries, Town Manager Cordek, Assistant Town Manager Ebner, Police Chief Anderson, and Marie Haller, Administrative Assistant.

UPDATE – POTENTIAL RAVE CINEMA PROPERTY

Mr. Aufman asked Town Manager Cordek to report on due diligence on this project, thus far. Mr. Cordek reported that since the November 2nd Council meeting authorizing the potential purchase of the Rave property, a meeting of appropriate agencies and potential grantors to the project was convened on November 9, 2015. This meeting included representatives from the Army Corp of Engineers, the State Department of Conservation and Natural Resources (DCNR), Department of Environmental Protection, Allegheny County Conservation District, Three Rivers Wet Weather, Northern Area Environmental Council, the Property Owner, Environmental Consultant, Asbestos Remediation Consultant and potential bidders on remediation.

After the group meeting, those present walked the site and the interior of the building and exchanged observations. At this point, based on this meeting and follow-up discussions two estimated were obtained for the building’s demolition from Noralco at \$500, 000 and Pardini at \$250,000. Sign demolition is estimated to cost \$3,400. Asphalt Milling of 12.9 acres parking lot is estimated by the Town’s Engineer to cost \$94,000. Noralco’s quote was \$35,000 for this work. The removal of about 16,000 square feet of concrete is estimated to cost \$48,000. Two prices were received to remove asbestos tile, BLT contracting at \$34,000; Carl/Frank Industries, Inc. at \$24,800. The potential cost of demolition and remediation therefore is currently estimated at \$420,200. No asbestos was found in the ceiling, only in the floor tile. The DCNR is particularly enthused about the project and interested in helping to fund it. The Town would be eligible to receive fifty percent of the appraised price of the property from DCNR. Although the Town is still not able to disclose the appraised price (but will when permitted under the terms of the Rave/ALT Agreement) the appraisal price significantly exceeds the purchase price. The Town and ALT are prepared to submit a grant to DCNR which would exceed half of the purchase price and will in fact be half of the appraised price. ALT has completed a grant request for County infrastructure and tourism funding (CITF) in the amount of \$250,000 towards the cost of acquisition. A Community Development Block Grant (CDBG) would be applied for during the eligibility season in 2016 in the amount of approximately \$250,000 for the demolition of the building. ALT will easily meet its minimum goal of requesting 1 million dollars of funding toward project costs. ALT will be granted a conservation easement on the property after it helps the Town obtain at least \$500,000 in funding. ALT Vice President Roy Kraynyk has been working with an environmental engineer for the project.

Roy Kraynyk, Vice President of the Allegheny Land Trust (ALT), remarked that he concurs with Town Manager Cordek's summary of events following the meeting on November 9, 2015. He clarified ALT currently has a Sales Agreement with Rave Cinema and also a Memorandum of Understanding with the Town of McCandless pertaining to Rave's property located on Blazier Drive. He reported he has spent a significant amount of time working together with the Town to review documents. He noted that a confidentiality clause in the Sales Agreement prevents information regarding testing to be shared at this time. The Phase I Survey has been conducted by Thomas J. Valiknac, P.E. and includes testing limited to the Eastern border of the property. This research also involves review of database and desktop research material along with queries made with local police, fire and citizens pertaining to the historical records and recollection of this property. Mr. Kraynyk noted that in respect of public safety, ALT has reached out to the seller to request an extension of the due diligence period for the purposes of conducting Phase II testing which involves further testing and review of building materials, (i.e. roof, ceiling tile & flooring) and a broader testing of the soil. ALT's request was granted and it will likely take an additional month or so to conduct more site investigation as ALT and the Town wants to do the most thorough job possible.

Councilman Aufman asked Mr. Kraynyk what would be done if contaminants are found in the soil. Mr. Kraynyk explained if soil contaminant(s) are found, a risk assessment would be conducted to determine the scope and magnitude of any remediation needed. The ALT Board and Town Council will then review all information for consideration to determine whether they would want to move forward with the purchase and remediation of this property.

Georgiana Likar 10150, Grubbs Road, asked for specific details regarding the results of the initial testing. Mr. Kraynyk remarked that the results are protected by the confidentiality clause within the agreement. Ms. Likar also asked about the number and location of the samples. Mr. Kraynyk reported there were six borings and fifteen samples, all of which were selected based on recommendations and historical information obtained.

Dave Eisenrich, 9997 Parkland Drive, asked if there is a current standard or recommendation regarding how deep the samples must be taken. Mr. Kraynyk discussed the sampling process along with plans for further testing and wider sampling for the protection of ALT, the Town and its citizens.

David Martin, 10585 Grubbs Road, asked why grants are being submitted before the property is purchased. Mr. Kraynyk clarified that a grant application has been prepared and completed, but has not been submitted.

Rita Martin, 10585 Grubbs Road, asked if it will be solely ALT's decision to move forward the purchase of the Rave property. Mr. Kraynyk stated that it will not be a unilateral decision as the Town and ALT are working together. The due diligence period is extended to January 18. Mr. Cordek commented that a decision could potentially be reached between January 11 and January 15, which would likely require a Special Meeting to be advertised and posted on the website. He also noted that depending on test results, it is not uncommon for additional extensions to occur.

Joe Puthoff, 424 Stag Horn, asked if results of environmental testing would be affected by the weather. Councilman Oliver confirmed that the weather would not impact the results.

Deborah Sagan, 9994 Parkland, reiterated questions about the sales agreement. Mr. Kraynyk clarified the sales agreement is between Rave and ALT; and, ALT has a Memorandum of Understanding with the Town. She also expressed concern that this meeting was not added to the Town's annual calendar and was not advertised on the website. Mr. Cordek confirmed that the meeting was posted on the front page of the website and an agenda was posted the same manner as usual. Ms. Sagan asked if the Town has even considered costs of wages for the Public Works crew related to this project. Mr. Cordek shared that staffing is measured and considered on an ongoing basis.

Barbara Richard, 305 Manor Court, asked if there is a chance a decision will be made to move forward with the purchase of the Rave property prior to December 31. She also asked if a vote would be needed for the Town to move forward with the purchase of this property. It was noted a timeline will be determined once the recommendations are received from the engineers. Mr. Cordek shared that Council has already signed a Memorandum of Understanding, no additional vote will be needed to proceed with the purchase if the due diligence is satisfactorily completed.

John Harrison, 1473 Hedwick Drive, expressed concern about the cost of the demolition and discussed possible hazards such as lead that may be found in the building. Mr. Kraynyk noted his concern for lead contamination although did not have information readily available as to whether it would be problematic. Mr. Kraynyk confirmed asbestos was found in the mastic of the flooring and will need to be removed according to regulations. Mr. Harrison asked questions related to various equipment and work trailers being parked on the Rave site. Mr. Kraynyk assured him ALT does not have any equipment or vehicles on the property and stated that this project has a long way to go before commencing work.

Mr. Cordek commented that additional costs are anticipated and it is very possible the grant money to be received will exceed the cost of the property and funds received beyond the cost acquisition would be applied toward demolition and land restoration. He also shared that if remediation costs are too high the Council will vote to determine whether the Town will proceed. He reiterated that the Town Council has signed a Memorandum of Understanding Agreement to determine if this project is feasible. The cost analysis and all the due diligence must be completed before the project could move forward.

David Fair, 2320 Ben Franklin, expressed frustration and concern about the total cost of this project and requested the Town Council provide citizens with a line by line assessment. Mr. Kraynyk explained that the scope of this project has not changed and is proceeding as planned beginning with acquisition, planning, demolition and implementation of a Flood Plain restoration plan. He estimates the planning to cost approximately \$50,000.

Jason Uhler, Ridge Avenue, asked for clarification regarding the Town's upfront costs prior to the purchase and remediation. Mr. Cordek noted the town is responsible to pay for the survey,

asbestos assessment, environmental assessment and the appraisal, with costs presently totaling \$28,831. He also noted that ALT is paying for its legal expenses.

David Martin, 10585 Grubbs Road, remarked that Rave is the only party to benefit and voiced his objection to the acquisition and planning process.

Greg Yoest, Presidential Drive, discussed concerns regarding the costs of this project. Mr. Cordek shared estimates received and Mr. Kraynyk discussed estimated costs for planning. Mr. Cordek provided further clarification of the process. Grant money received will be applied toward funds fronted for the property purchase and towards demolition.

Linda Roehre, 740 Ingomar Road, asked if there is an explanation regarding topsoil that is being hauled into the Town Complex. Mr. Cordek stated that he did not know the source of the topsoil but is aware that the crew periodically replenishes their supply for various projects often from developments nearby.

David Fair, 2320 Ben Franklin, declared his dissatisfaction with Council and their representation of its citizens.

ADJOURNMENT

Motion was made by Councilman Oliver to adjourn the meeting. The motion was seconded by Councilman Krey and passed unanimously. The meeting was adjourned at 8:39 p.m.

Respectfully submitted,



Tobias M. Cordek
Town Manager

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