

## MINUTES OF MEETING OF TOWNSHIP OF PINE BOARD OF SUPERVISORS

Monday, January 5, 2008

Township of Pine Municipal Building

This meeting of the Township of Pine Board of Supervisors was called to order at 5:55 p.m. by Cheryl N. Fischer, Township Manager.

### EXECUTIVE SESSION

Members in attendance were: Michael J. Dennehy, Philip D. Henry, Edward Holdcroft, Edward Owen, and Frank Spagnolo. Also in attendance were Gary Gushard, Township Solicitor; Cheryl N. Fischer, Manager; Scott D. Anderson, Assistant Manager, Joni K. Patsko, Director of Parks and Recreation; and Scott Cessar, Eckert Seamans Cherin Mellott, LLC.

Motion was made by Mr. Spagnolo and seconded by Mr. Owen to call an Executive Session at 5:55 p.m. for the purpose of discussing potential litigation. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to terminate the Executive Session at 6:25 p.m. The aye vote was unanimous. Motion carried.

### ORGANIZATIONAL MEETING

This meeting of the Township of Pine Board of Supervisors was called to order at 6:35 p.m. by Cheryl N. Fischer, Township Manager.

Members in attendance were: Michael J. Dennehy, Philip D. Henry, Edward J. Holdcroft, Edward J. Owen, and Frank J. Spagnolo. Also in attendance were: Gary J. Gushard, Solicitor; Cheryl N. Fischer, Township Manager; Scott D. Anderson, Assistant Manager; Larry Kurpakus, Director of Code Administration and Land Development; and Jack C Fasick, Director of Public Works.

There were three visitors present.

### EXECUTIVE SESSION

Mrs. Fischer announced that an Executive Session was held at 6:00 p.m. to discuss potential litigation.

Mrs Fischer questioned Mr. Gushard if the information discussed in the Executive Session met with the requirements of the Sunshine Act.

Mr. Gushard confirmed that the discussion relating to possible litigation was appropriate for an Executive Session.

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PLEDGE OF ALLEGIANCE

ORGANIZATION OF THE BOARD OF 2009

Motion was made by Mr. Holdcroft and seconded by Mr. Henry to appoint Michael Dennehy as Chair of the Board of Supervisors for 2009. The aye vote on the motion was unanimous. Motion carried.

At this time, Mr. Dennehy began to chair the meeting.

Motion was made by Mr. Spagnolo and seconded by Mr. Owen to appoint Phil Henry as Vice-Chair of the Board of Supervisors for 2009. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to appoint Cheryl N. Fischer as Township Manager for 2009. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to appoint Gary Gushard, Tucker Arensberg, P.C., as Township Solicitor for 2009. As there was not a consensus, a roll call vote was taken with Mr. Spagnolo voting aye, Mr. Henry voting aye, Mr. Dennehy voting aye, Mr. Holdcroft voting aye, and Mr. Owen voting nay. Motion carried.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to appoint Lennon Smith Souleret Engineering as the Township Engineer for 2009. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to appoint Herbert Rowland & Grubic, Inc. as the Township Transportation Engineer for 2009. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to appoint K.L.H. Engineering as the Township Consulting Engineer for 2009. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Henry and seconded by Mr. Spagnolo to reappoint Scott D. Anderson as the 2009 Emergency Management Coordinator. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to reappoint Michael Pfeifer to the Zoning Hearing Board for a three-year term to expire December 31, 2011. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Owen and seconded by Mr. Spagnolo to reappoint David Chavara to the Environmental Advisory Council for a three-year term to expire December 31, 2011. The aye vote on the motion was unanimous. Motion carried.

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ORGANIZATION OF THE BOARD OF 2009 (Continued)

Mr. Dennehy announced one three-year vacancy and one two-year vacancy on the Environmental Advisory Council.

Motion was made by Mr. Henry and seconded by Mr. Spagnolo to reappoint Judi Krysa to the Parks and Recreation Commission for a three-year term to expire December 31, 2011. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Holdcroft and seconded by Mr. Spagnolo to reappoint Donald Keys and Richard Miller to the Parks Subcommittee for three-year terms to expire December 31, 2011. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Owen and seconded by Mr. Spagnolo to appoint Wendy Ruby, Corrie Noir, and Dale McCall to the Recreation Subcommittee for three-year terms to expire December 31, 2011. The aye vote on the motion was unanimous. Motion carried.

Mr. Dennehy announced a vacancy on the Recreation Subcommittee for a one-year term to expire December 31, 2009.

Motion was made by Mr. Holdcroft and seconded by Mr. Owen to reappoint Jeffrey Krill to the Building Code Board of Appeals for a three-year term to expire December 31, 2011. The aye vote on the motion was unanimous. Motion carried.

Mr. Dennehy announced two vacancies on the Northern Tier Regional Library Board, for a three-year term to expire December 31, 2011 and a two-year term to expire December 31, 2010.

Motion was made by Mr. Owen and seconded by Mr. Holdcroft to reappoint Michael Dennehy, Philip Henry, and Frank Spagnolo as Supervisor Members to the Northern Regional Police Force Board with Edward Holdcroft and Edward Owen as alternates. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Holdcroft and seconded by Mr. Owen to reappoint Frank Spagnolo as Supervisor Representative for the North Hills Council of Governments with Edward Owen as an alternate. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to reappoint Edward Owen and Edward Holdcroft as Supervisor Liaisons to the Wexford Volunteer Fire Company. The aye vote on the motion was unanimous. Motion carried.

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Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to reappoint Philip Henry as Supervisor Liaison to the Pine-Richland School District and to appoint Edward Owen as alternate. The aye vote on the motion was unanimous. Motion carried.

ORGANIZATION OF THE BOARD OF 2009 (Continued)

Motion was made by Mr. Henry and seconded by Mr. Spagnolo to reappoint Michael Dennehy as Supervisor Representative to the Police Pension Trust Committee with Edward Owen to serve as an alternate. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Henry and seconded by Mr. Owen to reappoint Edward Holdcroft and Frank Spagnolo as Supervisor Representatives to PENNDOT. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Henry and seconded by Mr. Spagnolo to reappoint Edward Owen as Supervisor Representative to the McCandless Industrial Development Authority. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Owen and seconded by Mr. Spagnolo to reappoint Michael Dennehy as Supervisor Representative to the North Pittsburgh Community Development Corporation with Frank Spagnolo to serve as an alternate. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Holdcroft and seconded by Mr. Spagnolo to reappoint Michael Dennehy as Chief Administrative Officer of the Township Non-Uniform Pension Plan with Edward Owen to serve as an alternate. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Owen and seconded by Mr. Spagnolo to reappoint Edward Holdcroft and Frank Spagnolo as Supervisor Representatives to Friends of Pine Community Parks. The aye vote on the motion was unanimous. Motion carried.

RESOLUTION 788

Motion was made by Mr. Henry and seconded by Mr. Holdcroft to enact Resolution 788, appointing certain persons and/or firms or entities to various Township positions and making certain professional appointments for the Township of Pine and setting the official holidays to be observed by the Township of Pine for calendar year 2009. The aye vote on the motion was unanimous. Motion carried.

RESOLUTION 789

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Motion was made by Mr. Spagnolo and seconded by Mr. Henry to enact Resolution 789, establishing dates, times, and location of the regular meetings of the Board of Supervisors of the Township of Pine for calendar year 2009. The aye vote on the motion was unanimous. Motion carried.

BUSINESS MEETING

CORRESPONDENCE TO BOARD OF SUPERVISORS

Mrs. Fischer reported there was no correspondence other than that included in the meeting information.

PUBLIC COMMENT

There were no requests to address the Board of Supervisors at this time.

APPROVAL OF MINUTES

Motion was made by Mr. Henry and seconded by Mr. Spagnolo to approve the minutes of the Business Meeting of December 1, 2008. The aye vote on the motion was unanimous. Motion carried.

FINANCIAL REPORT - December 2008

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to accept the Financial Report for the month of December 2008 and ratify the payment of bills to those vendors listed thereon. The aye vote on the motion was unanimous. Motion carried.

Mr. Dennehy recommended that Pennsylvania Financial Management be contacted to question the possibility of S & T Bank reducing the current 4.35% interest rate on the Community Center financing. Mr. Dennehy added that it may be advisable to pre-pay on the loan principal.

Motion was made by Mr. Holdcroft and seconded by Mr. Owen to authorize discussion with Pennsylvania Financial Management in regard to Community Center construction financing. The aye vote on the motion was unanimous. Motion carried.

Mr. Dennehy noted that \$680,000 is indicated on the balance sheet as being reserved. He stated that additional review is necessary to determine if funds can be re-allocated.

Mr. Owen requested a listing of taxes, revenues, and fees collected by the Township for his review.

UNFINISHED BUSINESS

PENNDOT PAVING PROJECT – Warrendale Road

Mr. Anderson reminded that the Board had requested additional information in regard to PENNDOT's request to perform paving between 7:00 p.m. and 6:00 a.m. on Warrendale Road. He referred to his memorandum of December 10, 2008, which provided that information.

UNFINISHED BUSINESS

PENNDOT PAVING PROJECT – Warrendale Road (Continued)

Mr. Owen questioned if PENNDOT had specifically been asked to restrict the work until midnight.

Mr. Anderson replied that they had, and responded negatively.

Mr. Roger Boff, Pine Business Association, estimated that the evening work may have an audio affect on seven properties.

Mr. Spagnolo asked that Mr. Anderson confirm Marshall Township's agreement to permit the work during the hours requested.

The Board was in agreement to permit PENNDOT to perform the Warrendale Road paving work as requested, once Mr. Anderson confirmed Marshall Township's position.

NEW BUSINESS

COMMUNITY CENTER

Mrs. Fischer advised that consideration is being given to a January 12, 2009 opening date for the Community Center.

Mr. Dennehy questioned if it was possible to provide staff training before that time.

Mrs. Fischer replied that the Director of Parks and Recreation has provided the proposed opening date, which follows staff training. She reminded that training manuals had previously been approved.

Mr. Dennehy requested a copy for his review.

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Mr. Henry suggested that the newspaper representatives in attendance tour the Community Center so as to assist in promoting the opening. He offered to meet with the reporters at the Community Center at 11:00 a.m. on January 9, 2009.

The Board agreed that the Community Center opening date should be determined by the Director of Parks and Recreation and after the opening date has been established, the Township newsletter should be released with that information.

LENNON SMITH SOULERET – December 2008 Report

There was no comment on the Engineering report.

NEW BUSINESS

ROUTE 910/PEARCE MILL ROAD INTERSECTION

Mr. Anderson referred to the Herbert Rowland Grubic proposal for engineering services for the preliminary and final design of the Route 910/Pearce Mill Road Intersection Improvement project. He advised that the Township has asked PENNDOT to include the final design in their upcoming project of replacing two bridges on Route 910, which will lessen project costs, and he was optimistic that PENNDOT does intend to do so. Mr. Anderson pointed out that Township impact fees will be used for the Township's financial portion of engineering and construction costs.

Mr. Spagnolo questioned the "Limitations" listed on the proposal.

Mr. Anderson explained that additional discussion with PENNDOT is necessary to determine whose responsibility those items would be. He suggested that the proposal be held until those open issues are resolved.

Mr. Owen complimented Mr. Anderson on coordination of the project with PENNDOT.

Motion was made by Mr. Henry and seconded by Mr. Holdcroft to table consideration of the Herbert Rowland Grubic proposal for engineering services for the preliminary and final design of the Route 910/Pearce Mill Road Intersection Improvement project. The aye vote on the motion was unanimous. Motion carried.

CONCESSION STAND

Mr. Gushard counseled that the proposed agreement, for operation of the Community Park concession stand in 2009, is virtually identical to the 2008 agreement.

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Motion was made by Mr. Spagnolo and seconded by Mr. Owen to authorize execution of the agreement between the Township of Pine and Kool Kids Ice Cream and Snacks for operation of the Community Park Concession Stand in 2009. The aye vote on the motion was unanimous. Motion carried.

RIGHT-TO-KNOW POLICY

Mr. Gushard provided an executive summary of the Pennsylvania Right-to-Know Policy, mandated for adoption by the Township.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to enact the Township of Pine Right-to-Know Policy. The aye vote on the motion was unanimous. Motion carried.

NEW BUSINESS

RESOLUTION 787

Mr. Gushard explained that Resolution 787 will add Thomas Ruff, representing Bureau Veritas, as an approved electrical inspector in the Township.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to enact Resolution 787, establishing procedures for the further administration enforcement of the provision of the Pennsylvania Construction Code Act, Act 45 of 1999, ("Uniform Construction Code"), as related to electrical inspections thereunder, effective on July 1, 2004. The aye vote on the motion was unanimous. Motion carried.

RESOLUTION 790

Mr. Gushard explained that Resolution 790 will accept the streets within Blue Heron Ridge as part of the public road system.

Mr. Kurpakus reported that the Township Engineer has recommended acceptance of the Blue Heron Ridge roads as the developer has completed all requirements other than several minor items which are being addressed.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to enact Resolution 790, accepting the dedication of the public rights-of-way within the "Blue Heron Ridge" Planned Residential Development and to be known as "Blue Heron Drive" (located within both Phase 1 and Phase 2 thereof), "Osprey Lane" (subsequently renamed and now known as "Willet Drive") (located within Phase 1 thereof), "Osprey Court" (located within Phase 1 thereof), "Raptor Court" (located within Phase 2 thereof), "Egret

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Drive” (located within Phase 2 thereof), and “Eagle Court” (located within Phase 2 thereof), as parts of the public road system of the Township of Pine, conditioned upon receipt of a maintenance bond. The aye vote on the motion was unanimous. Motion carried.

RESOLUTION 791

Mrs. Fischer explained that Resolution 791 outlines investment with PNC Bank, at The Village at Pine branch. She further explained that they are currently promoting the opening of that branch by offering 3% interest for 90 days. She noted that the situation will be reviewed after the 90 day period.

Motion was made by Mr. Henry and seconded by Mr. Holdcroft to enact Resolution 791, in regard to investing with PNC Bank, The Village at Pine. The aye vote on the motion was unanimous. Motion carried.

NEW BUSINESS

SIGN ORDINANCE

Mr. Spagnolo questioned the current provisions to permit new businesses with additional signage opportunity.

Mr. Anderson explained that new businesses are permitted to advertise by a temporary sandwich board sign for 30 days.

Mr. Gushard pointed out that banners are not included in the 30 day period; however, new businesses are also permitted temporary promotional signs.

Mr. Spagnolo expressed his opinion that the Township should attract new business and provide them with opportunity to advertise their opening. He added that he did not feel that several of the sign enforcement letters recently sent were appropriate.

Mr. Kurpakus explained that prior to the sending of enforcement letters, contact is made with the business and the sign ordinance is explained. He added that a second contact is made, by letter, before the enforcement letter is issued.

Mr. Anderson specified that excessive signage is the issue, particularly in The Village at Pine. He added that the enforcement letters have improved the situation, as has permitting the developer to provide entry signage for new businesses now open within the development.

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Mr. Spagnolo added that he is in favor of banner restriction being stricken from the Code.

Mr. Gushard reminded that provisions for signage are being discussed in the ongoing Code review.

Mr. Owen agreed with relaxing the banner restriction, stating he had no objection to them. He agreed that new businesses should have more opportunity to advertise their opening.

Mr. Boff suggested that he be consulted, as Pine Business Association President, so he can make suggestions or provide assistance in resolving such issues.

Mr. Owen asked that Mr. Boff provide his recommendations as it appears the Board intends to relax sign restrictions.

Mr. Spagnolo requested that an ordinance review committee meeting be scheduled.

Mr. Henry noted that the Board realized the recent signage enforcement letters were sent to enforce the current Code requirements.

EXECUTIVE SESSION

Motion was made by Mr. Owen and seconded by Mr. Spagnolo to call an Executive Session at 7:45 p.m. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Henry and seconded by Mr. Holdcroft to terminate the Executive Session at 8:30 p.m. The aye vote on the motion was unanimous. Motion carried.

REGULAR MEETING RESUMED

Mr. Dennehy requested Mrs. Fischer to prepare a study of the fund reserves as of the end of the year.

Discussion was held regarding the PSTATS Conference dates, activities and golf, held on April 20 through 22, 2009.

ADJOURNMENT

Motion was made by Mr. Owen and seconded by Mr. Henry to adjourn. The aye vote on the motion was unanimous. Motion carried.

The meeting adjourned at 8:50 p.m.

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