

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

Monday, March 16, 2009

Township of Pine Municipal Building

### EXECUTIVE SESSION – Personnel and Real Estate

Members in attendance were: Michael J. Dennehy, Chair; Philip D. Henry, Vice-Chair; Frank Spagnolo; Ted Owen; and Ed Holdcroft. Also in attendance were Gary Gushard, Tucker Arensberg, P.C., Solicitor, Township Solicitor; Cheryl N. Fischer, Manager; Scott D. Anderson, Assistant Manager; and Jack C. Fasick, Director of Public Works.

Motion was made by Mr. Spagnolo and seconded by Mr. Owen to call an Executive Session at 6:00 p.m. for the purpose of discussing personnel and real estate matters. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Spagnolo and seconded by Mr. Owen to terminate the Executive Session at 6:30 p.m. The aye vote was unanimous. Motion carried.

### REGULAR MEETING

This meeting of the Township of Pine Board of Supervisors was called to order at 6:35 p.m. by Michael J. Dennehy, Chair.

Mr. Dennehy questioned Mr. Gushard if the prior Executive Session met the guidelines of the Sunshine Act and Mr. Gushard responded affirmatively, as the discussion related to personnel and real estate.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

Members in attendance were: Michael J. Dennehy, Chair; Philip D. Henry, Vice-Chair; Frank Spagnolo, Ted Owen, and Ed Holdcroft. Also in attendance were Gary Gushard, Tucker Arensberg, P.C., Solicitor; Cheryl N. Fischer, Manager; Scott D. Anderson, Assistant Manager; Larry Kurpakus, Director of Land Development; Jack C. Fasick, Director of Public Works; Joni K. Patsko, Director of Parks and Recreation. Also present was Robert Firek of Lennon, Smith Souleret Engineering, Inc. and Richard Voll, Wexford Volunteer Fire Company. Northern Regional Police Chief T. Robert Amann; Carole Keeley, Northern Tier Library Board; and Kimberly Pierson, Parks and Recreation Commission; were present through their reports.

There were approximately ten visitors present.

### CORRESPONDENCE

There was no additional correspondence.

## PUBLIC COMMENT

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

## COMMITTEES

### Parks and Recreation Commission

Ms. Pierson distributed the Parks and Recreation Commission's recommended *Naming Rights Guidelines*. She recommended that after Board approval, prior donators be provided with the guidelines.

The Board agreed to take the naming guidelines into consideration.

### Community Center – Liability/Activity Waiver

Mr. Gushard reminded that at the February 17, 2009 meeting, a member of both the Recreation Subcommittee and the Community Center requested that the liability/activity waiver be rewritten to allow participant a degree of liability rights. This member expressed her opinion, as an attorney, that adequate insurance coverage could still protect the Township. Mr. Gushard referred to his letter of March 9, 2009, in which he explained that the existing liability waiver for activities at the Community Center was based on other municipal waivers and was broad in scope so as to provide the most protection to the Township.

The Board agreed to retain the existing waiver.

### Community Park – Restroom Framing

Mr. Kurpakus referred to the bid form for framing of the new Community Park restrooms and pointed out that John Corcoran Construction was the low bidder in the amount of \$5,860.00.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to award the contract for framing of the Community Park restrooms to John Corcoran Construction Company in the amount of \$5,860.00. The aye vote on the motion was unanimous. Motion carried.

## INTERGOVERNMENTAL AGENCIES

### Northern Tier Regional Library

Mrs. Keeley provided January 2009 library statistics, specifying that circulation was 20,875, 1,000 less than last January, possibly due to inclement weather. She added that 97 borrowers were registered and 734 new items were added to the collection. Mrs. Keeley then reported on upcoming programs.

## INTERGOVERNMENTAL AGENCIES

### North Hills COG

There was no report on the North Hills Council of Governments at this time.

### Pine-Richland School District

Mr. Henry reported that the school board is preparing the 2009/2010 budget and reviewing applications for Superintendent Dr. Manley's successor.

## PUBLIC SAFETY

### Joint Police Board

Chief Amann advised that January through March police reports will be included in the April meeting packet. He then reported that once the police department's new office space is completed, equipment for the Automated Fingerprint Identification System (AFIS) will be on site, as will be Allegheny County fingerprint expert, Wayne Reutzel.

### Wexford Volunteer Fire Company

Mr. Voll introduced Dave Buttermore, the new Wexford Volunteer Fire Company President, and Assistant Chief, Bill Norris. He also introduced Rick Wittmer, long-term volunteer. Mr. Voll reported that the fire company received 83 calls in the last two months, compared to 57 for the same period last year. He speculated the increase was partially due to storm damage. Mr. Voll reported 360 volunteer hours by 34 people so far this year and 357 hours of training for 27 people.

Mrs. Fischer asked that Mr. Buttermore contact her the following day regarding needed copies of invoices for reimbursement by the Township.

Mr. Owen noted that the funds owed to the fire company, as previously agreed, will be listed as a liability on the Township's ongoing audit. He requested specifics on the fire truck purchase be provided to the Township for release of those budgeted funds. Mr. Owen requested that the Township be provided with a list of the Fire Company's upcoming projects.

### Fire Marshal

Mr. Dennehy acknowledged the February 2009 Fire Marshal's report.

### REPORT OF THE SOLICITOR

Mr. Gushard reported that he has filed an application for tax exemption for the 43 acres of recreational property donated by the Stonecrest developer. He also reported recently receiving the last of the necessary easements for the Phase 4 pedestrian along Wexford-Bayne Road.

### COMMUNITY DEVELOPMENT UPDATE

Mr. Kurpakus reported that the March Planning Commission meeting was cancelled due to a lack of agenda items. He reported that the April Planning Commission meeting will review an application for subdivision of the Ludwig property on Jackson Road, so approximately 95 acres can be controlled by the Pennsylvania Land Trust.

Mr. Dennehy questioned if Allegheny County is satisfied with the inspection of the sewer line at the Community Center.

Mrs. Fischer advised that Jeff Trawinsky has informed that the McCandless Township Sanitary Authority has sent the paperwork to the Allegheny County Health Department. They are currently waiting for Ryco Plumbing and the Allegheny County Health Department to meet at the site to determine what, if anything, is needed for approval.

### REPORT OF ENGINEER

Mr. Firek highlighted Lennon Smith Souleret's March 12, 2009 summary of the engineering work performed or authorized as of the February work session.

Mr. Dennehy recommended that the Township seek funds from the Federal stimulus program.

Mr. Anderson reported that Senator Jane Orié recently requested a listing of Township transportation projects, which was provided to her.

### PUBLIC WORKS REPORT

Mr. Fasick reported that assembly of the 2009 truck, ordered in October, is nearly complete.

### ADMINISTRATIVE MATTERS

### MINUTES

Motion was made by Mr. Owen and seconded by Mr. Spagnolo to approve the minutes of the February 17, 2009 Board of Supervisors meeting. The aye vote on the motion was unanimous. Motion carried.

ADMINISTRATIVE MATTERS

FINANCIAL STATEMENT – December 2008 and January 2009

Motion was made by Mr. Owen and seconded by Mr. Spagnolo to approve the December 2008 and January 2009 Financial Statements. The aye vote on the motion was unanimous. Motion carried.

Mr. Owen referred to the General Fund Statement and asked that Mrs. Fischer provide the specifics of the \$355.00 revenue for “licenses and permits”.

Mr. Dennehy advised that liability should be broken down as the balance sheet should indicate current liability. He stated that restructure may be necessary to address future needs and postponing several budget items may be necessary, due to a decrease in revenue as a result of the current economy.

Mr. Owen stated that the Pine Business Association has asked that the Board consider reducing the 2009 businesses tax.

The Board agreed to take that request into consideration after reviewing the Township’s financial status at a later point in 2009.

ORDINANCE 348

Motion was made by Mr. Spagnolo and seconded by Mr. Owen to open the Public Hearing for consideration of Ordinance 348. The aye vote on the motion was unanimous. Motion carried.

Mr. Gushard explained that Ordinance 348 will amend Chapter 84 (Zoning) to allow the conditional use of indoor kennels in the “C-1” Zoning District. He then highlighted the contents of Ordinance 348, noting that both the Allegheny County Planning Department and the Planning Commission have reviewed the information, with no comment.

Mr. Dennehy opened the Public Hearing to public comment, with no requests to address the issue.

Motion was made by Mr. Henry and seconded by Mr. Spagnolo to close the Public Hearing for consideration of Ordinance 348. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Henry and seconded by Mr. Spagnolo to enact Ordinance 348, amending Chapter 84 “Zoning” of the Code, so as to delete and amend or revise certain existing provisions thereof and also so as to add additional provisions thereto regarding regulation of the development and usage of land within the Township of Pine, with such deletions, amendments, revisions, and additions affecting portions of: Article II (by adding new definitions thereto);

ADMINISTRATIVE MATTERS

ORDINANCE 348 (Continued)

Article III (by adding “Kennel, Indoor” as an allowed Conditional Use in the “C-1” (Community Service Center District) Zoning District and by establishing new regulations pertaining to the use and operation of kennels (both outdoor and indoor types); and providing for the repeal of all prior inconsistent ordinances and/or resolutions and providing for severability. The aye vote on the motion was unanimous. Motion carried.

HIGHCROFT LEARNING AND PERFORMANCE CENTER

Mr. Dennehy recalled that representatives of the Highcroft Learning and Performance Center were to meet with Township staff to establish the outstanding issues to be resolved before the proposed summer musical performances.

Mr. Kurpakus reported that he and Mr. Anderson met with Highcroft representatives, William Hansen and Frank Salpietro, and provided them with copies of 1997 and 1998 Board reviews of the project.

Mr. William Hansen, 822 Mt. Pleasant Road, added that he met with Mr. Kurpakus on March 5, 2009 at the site. He voiced their intent to comply with conditions of the 1997 and 1998 reviews and expressed their willingness to appear before the Planning Commission, if required.

Mr. Robert Boudreau provided his profile and expressed his mission to provide musical opportunity for youths. For that reason, he asked that the Township reconsider permitting a high school group performance.

Mr. Frank Salpietro, introduced himself as acting attorney for the Highcroft project. He referred to the October 1997 minutes and expressed his interpretation that use of the center was granted for eight concerts a year, as long as public health was provided for by ADA compliance and sanitary provisions.

Mr. Boudreau stated that they are waiting for sanitary provision requirements from the Allegheny County Health Department.

Mr. Kurpakus expressed his opinion that it would be beneficial for the Planning Commission to review the recent submission.

Mr. Gushard added his opinion that it should be reviewed again, due to the length of time that has passed since the 1998 review.

Mr. Owen recalled that the conditional use approval was conditioned on the performance stage being an accessory to a school.

ADMINISTRATIVE MATTERS

HIGHCROFT LEARNING AND PERFORMANCE CENTER (Continued)

Mr. Anderson agreed, specifying that the zoning restricts a performance stage as a primary use.

Mr. Boudreau expressed intent to have a classroom under the stage completed and in operation by fall.

Mr. Anderson recalled that the school was originally proposed to be a stand alone structure, not a part of the stage structure.

Mr. Salpietro stated that the Findings of Fact, developers agreement, and the plans submitted by E.A.Thaner indicate approval of the outdoor stage. He therefore deduced that the stage had been constructed to Township approval.

Mr. Owen recommended that the Planning Commission review the current submittal to determine if it meets prior approvals.

Mrs. Linda Hansen, 822 Mt. Pleasant Road, questioned the ratio for sanitary provisions and Mr. Kurpakus advised that is determined by the Allegheny County Health Department.

Mr. Hansen asked that the Board reconsider permitting the number of concert attendees to exceed the previously stipulated number of 400, so as to permit the opportunity of a high school music performance.

Mr. Owen explained that the Planning Commission will provide a recommendation to the Board and the Board will attempt to expedite the approval process, recognizing Highcroft's need to schedule the summer appearances.

UNLEADED GASOLINE AND DIESEL FUEL

Mr. Dennehy referred to the bid tabulation for purchase of unleaded gasoline and diesel fuel.

Mr. Spagnolo noted that Glassmere Fuel Service had submitted a bid for 87 octane gasoline and recalled a prior issue with a contract with them.

Motion was made Mr. Spagnolo and seconded by Mr. Owen to award the contract for 87 Octane gasoline to Export Fuel Company, Inc. at a margin of \$0.0545 and for diesel fuel from Purvis Brothers, Inc. at a margin of \$0.1050. The aye vote on the motion was unanimous. Motion carried.

ADMINISTRATIVE MATTERS

AUDIO RECORD RETENTION POLICY

Mr. Gushard explained that with the recent adoption of amendments to the State's Right-to-Know" law, the Office of Open Records has issued an advisory opinion examining the issue of whether recordings are considered "public records" in view of the newly expanded definitions. The Office of Open Records also opined that, if a municipality desires to not retain its recordings of public meetings (following the subsequent adoption of the official written minutes thereof), it should dispose of recordings in accordance with a formally adopted record retention and disposition policy. Mr. Gushard advised that he had prepared a draft resolution to formalize the Township's existing practice of not retaining the audio recording and secretary's notes of public meetings after the official minutes have been approved.

The Board agreed that enacting the resolution would not be necessary as the recording secretary stated she did not use the meeting tape for transcription.

COMMUNITY CENTER FINANCING

Mr. Dennehy reported that Public Financial Management had advised their charge will be \$2500 to rebid refinancing the Community Center, although there will be no charge if the bids are higher than the existing financing and therefore no contract is signed.

Motion was made by Mr. Holdcroft and seconded by Mr. Spagnolo to authorize Public Financial Management to send requests for proposals to refinance the Community Center bank loan. The aye vote on the motion was unanimous. Motion carried.

PENNSYLVANIA RESOURCES COUNCIL

Mrs. Fischer reported that the Pennsylvania Resources Council is requesting support for their 2009 Household Hazardous Waste Collection in North Park. She advised that support may be made monetarily or by notification of residents. Mrs. Fischer advised that the Spring newsletter draft includes notice on that collection.

The Board was agreeable that resident notification was sufficient.

ALLEGHENY COUNTY ASSOC. OF TOWNSHIP OFFICIALS CONVENTION

Mr. Dennehy reported that the Allegheny County Association of Township Officials annual convention is scheduled for May 30, 2009 at the Westin Convention Center. He noted that the convention is provided at no cost, this year.

Motion was made by Mr. Spagnolo and seconded by Mr. Owen to authorize the Board of Supervisors to attend the Allegheny County Association of Township Officials annual convention on May 30, 2009. The aye vote on the motion was unanimous. Motion carried.

REVIEW PROPOSED AGENDA FOR MONDAY, APRIL 6, 2009

The Board reviewed and approved the following agenda for Monday, April 6, 2009.

Unfinished Business

*Discussion with the Wexford Volunteer Fire Company.*

New Business

*Action on lawn maintenance bid for the Township of Pine.*

*Action on the custodial bid for the Municipal Building and/or the Community Center.*

RIGHT-TO-KNOW LAW

Mr. Roger Boff, Pine Business Association, requested that he be provided with a Board of Supervisors meeting packet before each meeting.

Ms. Cindy Micco, *Pittsburgh Post Gazette*, echoed that request. She pointed out that the Pine-Richland School District places all information for their meetings online. Ms. Micco advised the request is permitted under the Right-to-Know Law.

Mr. Dennehy advised that the request will be given consideration.

ADJOURN

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 7:47 p.m.

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Recording Secretary

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Township Manager