

MINUTES OF MEETING OF TOWNSHIP OF PINE BOARD OF SUPERVISORS

Monday, June 15, 2009

Pine Community Center

EXECUTIVE SESSION – Personnel

Members in attendance were: Michael Dennehy, Chair; Philip 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; Joni K. Patsko, Director of Parks and Recreation; 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 litigation. 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 litigation.

PLEDGE OF ALLEGIANCE

ROLL CALL

Members in attendance were: Michael Dennehy, Chair; Philip 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. Police Chief Robert Amann and Carole Keeley, Northern Tier Library Board, 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.

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COMMITTEES

Parks and Recreation Commission

Pine Community Center Locker Rooms

Mr. Anderson presented the layout of the proposed locker rooms, restroom facilities, and showers in the Community Center. He detailed the construction of a wall to separate the damp area from the project area, which the architect and legal counsel have approved. Mr. Anderson anticipated that drawings will be complete in several weeks and the project will be bid at that time.

Ms. Patsko reminded that the Township has received a \$250,000 grant for the project, funds which the Township is required to match, although she surmised that the project will be completed for less.

INTERGOVERNMENTAL AGENCIES

Northern Tier Regional Library

Mrs. Keeley provided April 2009 library statistics, specifying that circulation was 21,671, 79 new borrowers were registered and 734 items were added to the collection. Mrs. Keeley reported that registration is now occurring for the summer reading clubs, which are underwritten by the Friends of the Library. Mrs. Keeley then reviewed other summer programs such as free computer classes.

North Hills COG

Mr. Spagnolo reported that the North Hills Council of Government continues to review Pennsylvania Act 32, which amends the Local Enabling Act to consolidate the collection of earned income tax on a countywide basis.

Pine-Richland School District

Mr. Henry reported his attendance at the recent graduation of 358 students from the Pine-Richland High School. He noted that 92% of the students have indicated their intent to pursue higher education.

PUBLIC SAFETY

Joint Police Board

Chief Amann highlighted his written report. He then requested that the Wexford Volunteer Fire Company be authorized to participate in stationary D.U.I. checkpoints between June 16 and October 1.

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PUBLIC SAFETY

Joint Police Board (Continued)

Motion was made by Mr. Owen and seconded by Mr. Spagnolo to authorize the Wexford Volunteer Fire Company to assist the Northern Regional Police with D.U.I. checkpoints between June 16 and October 1, 2009. The aye vote on the motion was unanimous. Motion carried.

Chief Amann reported that the police department has completed their office expansion. He expressed appreciation to the Township Manager and Assistant Manager and various Township employees who assisted in that project.

PUBLIC SAFETY

Wexford Volunteer Fire Company

Mr. Voll reported that the Fire Company responded to 29 calls in May, and 183 calls to date in 2009. Mr. Voll expressed frustration that the fire company recently responded to a fire alarm at the Richland Elementary School and upon arriving at the scene, discovered that there was no Knox box. A telephone call was made to the responsible representative and they refused to provide entrance to the building as they felt it was a false alarm. Mr. Voll expressed his opinion that the building should have a Knox box, such as required in Pine.

Fire Marshal

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

REPORT OF THE SOLICITOR

Mr. Gushard referred to the License Agreement with the Pennsylvania Turnpike Commission for a walking trail along Graham Road to occur in conjunction with the Turnpike expansion project. He explained that a second agreement is necessary, with the Pennsylvania Department of Transportation, as the Turnpike constructed trail will cross a State right-of-way. Mr. Gushard noted that the Township will have the responsibility to insure and maintain the trail, although the Township does not typically provide winter maintenance. He counseled that the Turnpike Commission and the Township will both reserve the right to terminate the agreement in the future.

Mr. Anderson advised that he has reviewed the plans for the walking trail, which will be constructed at some point within the three year turnpike expansion project. He explained that the walking trail is being constructed by the Turnpike Commission as a goodwill gesture to mitigate the effect the roadway project will have on the Township. He further explained that the trail will assist in connecting Route 19 to Rabold Fields and eventually to the Community Park.

Mr. Gushard counseled that no formal action was needed at this time.

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COMMUNITY DEVELOPMENT UPDATE

Administrative

Mr. Kurpakus reported that previously, a "STOP WORK" order had been issued to T-Mobile, due to their noncompliance with their Conditional Use approval. He clarified that the monopole cannot accommodate the additional cable internally and T-Mobile is therefore asking Township approval of their installation of the cable externally, with shrouding.

The Board objected to the appearance of the shroud, and secondly, that construction and operation continued after the "STOP WORK" order was issued. They agreed that the shroud is not approved as it does not meet the Conditional Use approval.

Developments before the Planning Commission

Mr. Kurpakus reported that the June 8, 2009 Planning Commission meeting was cancelled due to a lack of agenda items.

REPORT OF ENGINEER

Mr. Firek referred to the Lennon, Smith, Souleret memorandum of June 10, 2009 and summarized the engineering work performed or authorized as of the May work session. He advised that the general contractor will complete the Route 910 sidewalk the following week and landscaping will occur thereafter. Mr. Firek added that a 2009 Roadway Improvement Program meeting is scheduled with Shields Asphalt Paving and the project will begin the following week. He reported that the Township must apply for permits before fill could be accepted from the turnpike project. Mr. Firek specified that the site may require a wetlands report, a geotechnical report, a grading permit, an E & S permit, and possibly a NPDES permit and expenses could total between \$4,000 and \$11,000, depending on the amount of grading and fill. He added that other issues must be resolved such as responsibility of compaction of the fill, tree clearing, E & S control, and seeding.

Mr. Anderson and Mr. Kurpakus were asked to provide additional information.

PUBLIC WORKS REPORT

Mr. Fasick had nothing to add to his written report.

ADMINISTRATIVE MATTERS

MINUTES

Motion was made by Mr. Henry and seconded by Mr. Holdcroft to approve the minutes of the June 1, 2009 Board of Supervisors meeting. The aye vote on the motion was unanimous. Motion carried.

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ADMINISTRATIVE MATTERS

RESOLUTION 800 (Continued)

Mr. Gushard counseled that the proposal of Cenci Enterprises, LLC, to transfer a liquor license into the Township is similar to prior requests and approval is limited solely to the effect of the proposed liquor license to the health, welfare, peace or morals of the Township.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to open the Public Hearing to consider Resolution 800. The aye vote on the motion was unanimous. Motion carried.

Attorney Dan Cooper introduced himself as legal counsel of Robert Cenci, who has an existing business in the Township and intends to relocate and expand in the Dimond Shoppes.

As the Board had no review comments, Mr. Dennehy opened the Public Hearing to public comment, with no requests to address the issue.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to close the Public Hearing to consider Resolution 800. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to enact Resolution 800, approving a request for the proposed transfer by Cenci Enterprises, LLC, of Pennsylvania Liquor Control Board restaurant liquor license No. R-9918 into the Township of Pine at 11584 Perry Highway, Unit 1, Wexford, Pennsylvania, from the Borough of Dormont. The aye vote on the motion was unanimous. Motion carried.

FINANCIAL STATEMENT – May 2009

Motion was made by Mr. Spagnolo and seconded by Mr. Owen to approve the Financial Statement of May 2009 and authorize the payments of bills thereon. The aye vote on the motion was unanimous. Motion carried.

TREESDALE-WEST GROVE SUBDIVISION (Frontiers Plan of Lots)

Mr. Gushard counseled that as the subdivision plan submitted by the Fish & Game Frontiers is a modification to the previously approved Treesdale West Grove Neighborhood Planned Residential Development, the Pennsylvania Municipalities Planning Code requires a public hearing and written decision. He added that all conditions of the prior approval will remain in effect.

Motion was made by Mr. Owen and seconded by Mr. Spagnolo to open a Public Hearing to consider a modification to the Treesdale West Grove Neighborhood development plan. The aye vote on the motion was unanimous. Motion carried.

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ADMINISTRATIVE MATTERS

TREESDALE-WEST GROVE SUBDIVISION (Frontiers Plan of Lots) (Continued)

Mr. Kurpakus explained that Fish & Game Frontiers is proposing to subdivide the existing lot with two buildings into two lots, each with a structure. He noted that the permitted uses will remain the same.

Mr. Howard McIlvried, McIlvried Didiano & Mox, advised that the subdivision will permit sale of one of the structures in the future.

Motion was made by Mr. Owen and seconded by Mr. Spagnolo to close the Public Hearing to consider a modification to the Treesdale West Grove Neighborhood development plan. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Spagnolo and seconded by Mr. Owen to approve the Frontiers Plan of Lots as a Modification and Revision to the West Grove Neighborhood portion of the "Treesdale" Planned Residential Development, pursuant to Sheet 1 of 1 drawn by McIlvried Didiano & Mox and dated April 9, 2009. The aye vote on the motion was unanimous. Motion carried.

COMMUNITY PARK ENTRANCE LIGHTING

Motion was made by Mr. Holdcroft and Mr. Spagnolo to authorize advertisement of bids for Contract 09-E1 for Pine Park and Community Center Entrance Lighting. The aye vote on the motion was unanimous. Motion carried.

WEXFORD VOLUNTEER FIRE COMPANY

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to authorize the Wexford Volunteer Fire Company to attend the Ross Township Independence Day Parade on July 5, 2009 and the New Community Church Summer Camp on July 15, 2009. The aye vote on the motion was unanimous. Motion carried.

RESOLUTION 801

Mr. Gushard explained that Resolution 801 reflects recent case law and Act 32 of 2008, making certain changes regarding tax on earned income/net profits.

Motion was made by Mr. Henry and seconded by Mr. Spagnolo to enact Resolution 801, amending prior Township Resolutions 289, 440, 489, 564, and 686, as such have been codified within the Code of the Township of Pine, and specifically, amending certain of the existing provisions of Chapter A145 ("Rules and Regulations for Tax on Earned Income and Net Profits") of the Code of the Township of Pine, pursuant to the provisions of the Act of the General Assembly of the Commonwealth of Pennsylvania Numbered 32 of 2008, approved July 2, 2008, so as to amend and revise the definition of "Earned Income" and certain provisions

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ADMINISTRATIVE MATTERS

RESOLUTION 801 (Continued)

relating to the tax treatment of losses; and providing for the repeal of all prior inconsistent resolutions and/or regulations and providing for severability. The aye vote on the motion was unanimous. Motion carried.

COMMUNITY CENTER SANITARY SEWER

Mr. Gushard explained that as a portion of the sanitary sewerage facilities installed at the Community Center are to be transferred to the McCandless Township Sanitary Authority, a Right-of-Way and Easement Agreement between the Township and MTSA is necessary.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to authorize action on transfer of ownership and operation to the McCandless Township Sanitary Authority for portions of sanitary sewerage facilities installed at the Pine Community Center. The aye vote on the motion was unanimous. Motion carried.

REVIEW PROPOSED AGENDA FOR MONDAY, JULY 6, 2009

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

Mr. Owen announced he would be unable to attend that meeting.

Unfinished Business – None

New Business

Action on the 2009 Landscaping Bid (under the 2009 Roadway Improvement Program) for the Township of Pine; Contract No. 02-L01.

Action on Pine Park and Community Center Entrance Lighting; Contract 09-E-1.

ADJOURN

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

The meeting adjourned at 7:30 p.m.