

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

Tuesday, August 18, 2009

Pine Community Center

This meeting of the Township of Pine Board of Supervisors was called to order at 6:30 p.m. by Michael J. Dennehy, Chair.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

Members in attendance were: Michael Dennehy, Chair; Philip D. Henry, Vice-Chair; 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; and Joni K. Patsko, Director of Parks and Recreation. Also present were Michael Hansen, Planning Commission Vice-Chair; and Richard Voll, Wexford Volunteer Fire Company. Present through their reports were: T. Robert Amann, Northern Regional Police Chief; and Carole Keeley, Northern Tier Library. The absence of Supervisor Frank Spagnolo was noted.

There were approximately ten visitors present.

### CORRESPONDENCE

There was no additional correspondence.

### PUBLIC COMMENT

Ms. Terry Pomerleau, 7029 Oak Park Drive, stated that her residence is directly across from MacFadden Drive and she is now experiencing impact from vehicles exiting Lake MacLeod. She clarified that vehicle headlights are shining directly through the front windows of her residence. Ms. Pomerleau stated that her realtor had stated that the connection between Oak Park Drive and MacFadden Drive would only be an emergency access. She added that traffic has greatly increased with the connection and speeding has been an issue, although the "STOP" sign installed that day should alleviate some of her safety concerns. Ms. Pomerleau added her concern that traffic issues will increase when school begins.

Mr. Owen agreed that vehicles entering from Lake Macleod head directly toward 7029 Oak Park Drive for several hundred feet before changing direction.

Mr. Anderson offered to review the situation.

Mr. Henry questioned if the connection was to have been restricted to emergency use.

Mr. Owen recalled that the Oak Park residents had asked that the connection be restricted to emergency use, but the Township adhered to its policy to require interconnections between developments.

Chief Amann advised that traffic will be monitored when the school year begins and to determine if other methods of traffic control are necessary.

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COMMITTEES

Parks and Recreation Commission

Ms. Patsko expressed appreciation to all who provided assistance with the August 17, 2009 Friends of Pine Parks Golf Classic, especially Nextier Bank for sponsoring the event. She acknowledged the first place foursome of Chief Amann, John Love, Phil Henry, and Bert Lott. Ms. Patsko reported that 88 golfers participated in the fundraising event. Ms. Patsko added that work is continuing on the October 3, 2009 children's "Touch a Truck" event. She concluded by reporting on a recent meeting with Pine-Richland School District administrators to introduce them to the Community Center and discuss possible coordination or programs in the future.

INTERGOVERNMENTAL AGENCIES

Northern Tier Regional Library

Ms. Keeley provided the June 2009 library statistics, specifying that circulation was 28,536, 195 new borrowers were registered and 782 items were added to the collection. She noted that the Pine Center branch will reopen September 8, 2009.

North Hills COG

Mrs. Fischer reported that the Act 32 working committee will meet on September 18, 2009.

Pine-Richland School District

Mr. Henry reported that the new Pine-Richland School District Superintendent has announced that studies will soon begin on expansion of the high school.

PUBLIC SAFETY

Joint Police Board

The July 2009 written report for the Northern Regional Police was reviewed by Chief Robert Amann. The Chief added that a string of local robberies was recently solved by two of their officers and their department is currently working on a bank robbery at Parkvale Bank, that day. Chief Amann reported that due to the development at The Village at Pine, the intersection of Wallace Road and Route 19 has been the location of several occurrences. He expressed his need for Board support in the police department's anticipated approach to secure funding and to request that PENN-DOT permit the police department to install cameras at Wallace Road and Route 19.

The Board agreed to support the police department in their request.

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PUBLIC SAFETY

Joint Police Board (Continued)

Chief Amann concluded with the school district's request to again use Warrendale Road as their homecoming parade route. He stated that although he did not have the date on hand, the parade will be on a Thursday night, with the game following on Friday evening.

The Board was in agreement with the school district's request.

Wexford Volunteer Fire Company

Mr. Voll reported that the Fire Company responded to 30 calls in July, and 238 calls to date in 2009.

Fire Marshal

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

REPORT OF THE SOLICITOR

Mr. Gushard reported that Mars Bank has advised the Fire Company that there is a lending issue with the Township owning the land on which the Babcock Boulevard fire station is situated. Mr. Gushard counseled that a long-term lease between the Township and the Fire Company will satisfy the legal requirements. After receiving the Board's support for such, he expressed his intent to prepare the necessary lease.

COMMUNITY DEVELOPMENT UPDATE

Administrative

Mr. Kurpakus reported that the Zoning Hearing Board will be hearing a variance request for a rear setback for a deck addition for 7002 Oak Park Drive, on August 19, 2009. He specified that the builder, Palm Properties, constructed a larger deck than indicated on the submitted drawings, and it encroaches several feet into the 100-foot setback.

The Board asked that Mr. Kurpakus pass their support of the variance request onto the Zoning Hearing Board.

Developments before the Planning Commission

Wexford Hills Estates

Mr. Kurpakus reported that Wexford Hills Estates is a proposed seven-lot plan in the "R-2" Zoning District, accessing Wallace Road. He noted that the developer has requested to not construct a sidewalk in the plan.

COMMUNITY DEVELOPMENT UPDATE

Developments before the Planning Commission

Wexford Hills Estates (Continued)

Mr. Hansen provided the Planning Commission's recommendation for preliminary and final approval with the following conditions: 1) Compliance with the Lennon Smith Souleret Engineering review of August 5, 2009. 2) Enhanced landscaping buffer to be provided on the south property line along Wallace Road, near the water garden. 3) Developer to construct internal sidewalk along the public street. 4) Execution of a developer's agreement. 5) Developer to provide an easement if the Township trail feasibility report indicates the need. Mr. Hansen pointed out that the last condition was no longer valid as staff had determined that the Township's trail feasibility study did not indicate a trail connection on this property.

Mr. John Schleicher, Gibson-Thomas Engineering, explained that the developer intends to provide an estate-type development on the 16-acre parcel and feels that sidewalk will detract from the privacy. He pointed out that two of the seven houses will have frontage on Wallace Road, and the sidewalk system is provided at that location.

Mr. Hansen explained that the Planning Commission feels sidewalk is a positive feature that improves safety.

Mr. Holdcroft questioned if there is a gas well on the property.

Mr. Anderson confirmed the existence of a gas well and recommended that approval address that issue. He also recommended that the Board require a "fee in lieu of" if they do not require the sidewalk.

Motion was made by Mr. Owen and seconded by Mr. Holdcroft to grant preliminary and final of Wexford Hills Estates, pursuant to Cover Sheet, RP-1, RP-2, EX-1, LD-1, CP-1, LP-1, ESC-1, ESC-2, and ESC-3, all dated July 31, 2009 and prepared by E.A. Thaner & Associates, with the following conditions: 1) Compliance with the Lennon Smith Souleret Engineering review of August 5, 2009. 2) Enhanced landscaping buffer to be provided on the south property line along Wallace Road, near the water garden. 3) Developer to construct internal sidewalk along the public street. 4) Execution of a developer's agreement. 5) On-site gas well to be capped in accordance with DEP requirements. The aye vote on the motion was unanimous. Motion carried.

CLEARVIEW FEDERAL CREDIT UNION

Mr. Kurpakus reported that Clearview Federal Credit Union is proposing the development of the 0.539-acre lot at the corner of Route 19 and Wallace Road Extension, for the purpose of providing additional parking and pedestrian improvements for their office building located at 6071 Wallace Road Extension. He added that their existing monument sign will be relocated to this parcel.

COMMUNITY DEVELOPMENT UPDATE

Developments before the Planning Commission

Clearview Federal Credit Union (Continued)

Mr. Hansen provided the Planning Commission's recommendation for preliminary and final approval with the following conditions: 1) Proposed parking area to be designated back-in only. 2) Proposed parking area is to be designated as "Employees Only". 3) Compliance with the August 5, 2009 review of Lennon Smith Souleret Engineering. 4) Language should be included on the recorded plan and in the developer's agreement that the parking area will be reconfigured or removed if Pine Meadow Connector is extended. He expressed the Planning Commission's concern with traffic safety in the new parking area, which they addressed with their conditions.

Mr. Henry questioned if the engineer was satisfied with the applicant's proposed use of the 6" stormwater pipe.

Mr. Carmen Didiano, McIlvried, DiDiano & Mox, explained that the 6" pipe is only an overflow pipe and will not convey stormwater.

Mr. Firek stated that the applicant's proposal is satisfactory.

Motion was made by Mr. Henry and seconded by Mr. Owen to grant preliminary and final approval of the Clearview Federal Credit Land Development Plan, pursuant to Drawing 1 of 1 drawn June 3, 2009 and revised August 3, 2009, and Drawings CS, SP101, SP201, C101, C201, C301, and C401, all dated July 17, 2009 and revised August 3, 2009 and all prepared by McIlvried DiDiano & Mox, LLC, with the following conditions: 1) Proposed parking area to be designated back-in only. 2) Proposed parking area is to be designated as "Employees Only". 3) Compliance with the August 5, 2009 review of Lennon Smith Souleret Engineering. 4) Language should be included on the recorded plan and in the developer's agreement that the parking area will be reconfigured or removed if Pine Meadow Connector is extended. 5) 6" overflow pipe approved in the rain garden in lieu of a 15" pipe for stormwater conveyance. The aye vote on the motion was unanimous.

T-Mobile

Mr. Kurpakus reported that T-Mobile has requested a revised Conditional Use approval for the existing monopole at 121 Pine Meadow Drive. He reminded that the Board granted Conditional Use approval on October 15, 2007 for T-Mobile to install external surface-mounted antennas to the existing monopole. The construction drawings, submitted for the construction permit, indicated that the coax cables would be concealed within the monopole structure, which was consistent with the conditions of the original approval, as well as the amended conditional use approval. Mr. Kurpakus reported that the Township staff observed that antennae were being installed with the coax cables mounted to the outside of the monopole and a "Stop Work" order was issued on January 7, 2008, citing failure to comply with the requirements of the construction

COMMUNITY DEVELOPMENT UPDATE

Developments before the Planning Commission

T-Mobile (Continued)

permit and conditional use approval. He advised that T-Mobile is now requesting a revised Conditional Use approval to permit the installation of shroud over the exposed coax.

Mr. Hansen explained that the Planning Commission felt the proposed shroud does not meet the Code. He added that there were inconsistencies in T-Mobile's presentation, such as their distributed picture of the pole, which clearly indicated the lack of interior space before the Conditional Use application to add antenna. He noted that the T-Mobile representative stated that they did not continue work after the "Stop Work" order, but the Township believes otherwise.

Mr. Gushard counseled that T-Mobile has requested a Public Hearing to present their Conditional Use application and authorization to advertise is indicated later on the agenda.

318 WARRENDALE ROAD

Attorney Daniel Sporrer requested to address the Board, regarding the vacant parcel at 318 Warrendale Road. He stated that although the "B-1" Zoning District stipulates "light" manufacturing, he requested that the Board consider permitting a completely enclosed temporary concrete facility at this location. Mr. Sporrer explained that the complete operation would occur inside a prefabricated 6,000 square foot steel building and would be convenient to the nearby Turnpike construction project. Mr. Sporrer distributed a sketch plan and explained how the facility would function. He indicated there would be no outside stone or gravel storage, the building would meet the height restriction of 35 feet, and noise, dust, and vibration would be alleviated by the containment. Mr. Sporrer specified that a maximum of four trucks per hour would access the site and they did not foresee off-hours operation.

Mr. Henry questioned the weight limit on Warrendale Road and Mr. Fasick advised that State roads do not have posted weight limits.

Mr. Holdcroft questioned the anticipated hours of operation.

Mr. Sporrer acknowledged that operation would likely begin at 6:00 a.m. He suggested that this "B-1" Zoning District be slightly modified to permit other than "light manufacturing", although his opinion is that the proposal will not affect the community any more than light manufacturing would. He then advised that the applicant is also considering a 3,000 square foot structure on the 27-acre parcel, which would provide retail and office space. Mr. Sporrer noted that sidewalk, trails, and other required streetscape will be provided.

Mr. Henry questioned if the operation would continue after the Turnpike project is completed and, if not, if the applicant would be willing to restore the parcel.

## COMMUNITY DEVELOPMENT UPDATE

### *Developments before the Planning Commission*

#### 318 WARRENDALE ROAD (Continued)

Mr. Sporrer advised that the operation will continue after the Turnpike project and there would be no undeveloped land. He pointed out that the benefit would be a good tax base.

Mr. Roger Boff, 323 Warrendale Road, noted that although he had several rental properties near the location, he would address any concerns regarding the proposed development at the time of Planning Commission review.

Mr. Tom Tumulte, Stone and Company (Redi-Mix Concrete), advised they have 17 similar operations in western Pennsylvania, with approximately 90 trucks and 350 employees.

Mr. Sporrer expressed his intent to prepare a submission for Planning Commission review.

## REPORT OF ENGINEER

Mr. Firek reported that the Route 910 sidewalk is complete, other than several punch list items. He also reported that paving is currently occurring at English Road and Swinderman Road will follow, crack sealing is complete, and the Community Park lighting project will commence the following week.

## PUBLIC WORKS REPORT

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

## ADMINISTRATIVE MATTERS

### MINUTES

Mr. Owen requested that the last paragraph on Page 1 of the August 3, 2009 minutes be corrected to read as follows:

“The Board agreed that after considering Cottrill, Arbutina & Associates’ recommendations and consulting with staff, they believed that the number of existing staff is sufficient and that it would be financially imprudent to retain additional staff.”

Motion was made by Mr. Henry and seconded by Mr. Holdcroft to approve the minutes of the August 3, 2009 Board of Supervisors meeting with the above noted correction. The aye vote on the motion was unanimous. Motion carried.

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ADMINISTRATIVE MATTERS

FINANCIAL STATEMENT – July 2009

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

CONDITIONAL USE – 120 BROWN ROAD

Motion was made by Mr. Holdcroft and seconded by Mr. Henry to open the Public Hearing for consideration of a Conditional Use application for 120 Brown Road for veterinary use. The aye vote on the motion was unanimous. Motion carried.

Ms. Mary Schwacha stated that her veterinarian practice would not offer boarding or grooming or have outside use.

Mr. Kurpakus reported that it appeared all requirements for the Conditional Use were satisfied. He advised that the Planning Commission recommended approval of the Conditional Use, with the condition that no parking occur on Brown Road.

Mr. Gushard questioned if Ms. Schwacha agreed to comply with Code requirements and Planning Commission conditions of approval and Ms. Schwacha replied affirmatively.

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

Motion was made by Mr. Henry and seconded by Mr. Holdcroft to close the Public Hearing for consideration of Conditional Use for 120 Brown Road. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Henry and seconded by Mr. Holdcroft to authorize the Solicitor to prepare a finding granting the Conditional Use approval for veterinary use at 120 Brown Road with the following conditions: 1) No boarding or kenneling permitted. 2) Parking not permitted on Brown Road. The aye vote on the motion was unanimous. Motion carried.

Mr. Gushard expressed his intent to prepare a Findings of Fact for the following meeting.

RESOLUTION 803

Motion was made by Mr. Henry and seconded by Mr. Holdcroft to enact Resolution 803, approving and adopting a multi-use trail maintenance agreement with the Commonwealth of Pennsylvania's Department of Transportation and directing the execution of such agreement. The aye vote on the motion was unanimous. Motion carried.

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ADMINISTRATIVE MATTERS

RESOLUTION 804

Motion was made by Mr. Henry and seconded by Mr. Holdcroft to enact Resolution 804, resolving that Act 32 §505(B) requires the governing bodies of school districts, townships, boroughs, and cities to appoint one voting delegate and one or more alternate delegates to be their tax collection committee representatives. The purpose of this resolution is to appoint Ted Owen as delegate with Cheryl Fischer and Michael Dennehy as alternates. The aye vote on the motion was unanimous. Motion carried.

121 PINE MEADOW DRIVE

Motion was made by Mr. Henry and seconded by Mr. Owen to authorize advertisement of a Public Hearing for the Conditional Use application of T-Mobile for the existing monopole located at 121 Pine Meadow Drive. The aye vote on the motion was unanimous. Motion carried.

ECONOMIC CHAMPIONS SUMMIT

Mr. Henry offered to attend the Economic Champions Summit on September 21, 2009.

Motion was made by Mr. Holdcroft and seconded by Mr. Owen to authorize Mr. Henry's attendance at the Economic Champions Summit on September 21, 2009. The aye vote on the motion was unanimous. Motion carried.

BUSINESS GROSS RECEIPTS TAX

Mr. Owen stated that he would be in favor of granting a reduction of the Business Gross Receipts tax for one year. He noted the projected tax revenue of \$900,000 and suggested that could be reduced by 1/3.

Mr. Holdcroft stated that although he sympathized with the business community, due to the current economy, he would not be in favor of a tax reduction at this time. He pointed out that the business tax is not a high rate tax and the Township has its own financial commitments.

Mr. Owen stated that after further consideration, he withdrew his suggestion for a business tax rate reduction.

WEXFORD VOLUNTEER FIRE COMPANY

Motion was made by Mr. Spagnolo and seconded by Mr. Owen to authorize the Wexford Volunteer Fire Company to attend the following: North Way Christian Community Car Cruise on September 4, 2009 and the Community Center Touch a Truck program on October 3, 2009. The aye vote on the motion was unanimous. Motion carried.

ADMINISTRATIVE MATTERS

NORTH PARK FLAG RETIREMENT FACILITY

Motion was made by Mr. Henry and seconded by Mr. Holdcroft to authorize attendance of the Board at the dedication of the North Park Flag Retirement Facility on September 11, 2009. The aye vote on the motion was unanimous. Motion carried.

REVIEW PROPOSED AGENDA FOR TUESDAY, SEPTEMBER 8, 2009

The Board reviewed the following agenda for the Tuesday, September 8, 2009 meeting.

Unfinished Business

*Wexford Hills Estates, Subdivision, Preliminary and Final Approval* **REMOVED**  
*Clearview Federal Credit Union, Land Development* **REMOVED**

New Business - None

Motion was made by Mr. Holdcroft and seconded by Mr. Henry to cancel the September 8, 2009 Board meeting due to lack of an agenda. The aye vote on the motion was unanimous. Motion carried.

ADJOURN

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

The meeting adjourned at 8:25 p.m.