

MINUTES OF MEETING OF TOWNSHIP OF PINE BOARD OF SUPERVISORS

Tuesday, September 21, 2009

Pine Community Center

EXECUTIVE SESSION – Personnel

Members in attendance were: Michael J. Dennehy, Chair; Philip D. Henry, Vice-Chair; Frank Spagnolo; 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. Henry to call an Executive Session at 6:00 p.m. for the purpose of discussing personnel. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to terminate the Executive Session at 6:25 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 6:30 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.

PLEDGE OF ALLEGIANCE

ROLL CALL

Members in attendance were: Michael J. Dennehy, Chair; Philip D. Henry, Vice-Chair; Frank Spagnolo; 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.

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PRESENTATION TO DR. JAMES MANLEY

Mr. Henry presented a token of appreciation to Dr. James Manley, recently retired Superintendent of the Pine-Richland School District.

Dr. Manley expressed appreciation and his pride in serving as superintendent for nearly ten years.

COMMITTEES

Parks and Recreation Commission

Ms. Patsko reported that upcoming programs are "Touch-A-Truck" on October 3 and a Halloween party on October 17, 2009.

INTERGOVERNMENTAL AGENCIES

Northern Tier Regional Library

The library's written report provided the July 2009 library statistics, specifying that circulation was 31,245. There were 144 new borrowers registered and 837 items were added to the collection.

INTERGOVERNMENTAL AGENCIES

North Hills COG

Mr. Spagnolo reported he had been unable to attend the September North Hills Council of Governments meeting.

Pine-Richland School District

Mr. Henry had no report on the Pine-Richland School District.

PUBLIC SAFETY

Joint Police Board

The August 2009 written report for the Northern Regional Police was reviewed by Chief Robert Amann. The Chief added that they are prepared for the upcoming G-20 Summit.

Wexford Volunteer Fire Company

Mr. Voll reported that the Fire Company responded to 30 calls in August, and 268 calls to date in 2009. Mr. Voll added that they assisted the Marshall Township Fire Department on a residential structure fire and the Northern Regional Police Department with a fatal accident near Treesdale. Mr. Voll specified that 15 fire company volunteers were at the accident site for five hours. He noted that of all those assisting, the fire company representatives are the only volunteers.

Fire Marshal

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

REPORT OF THE SOLICITOR

Mr. Gushard reported that several issues were on the agenda for later review.

COMMUNITY DEVELOPMENT UPDATE

Administrative

7002 Oak Park Drive

Mr. Kurpakus reported that the Zoning Hearing Board held a variance request hearing for a rear yard setback for a deck addition for 7002 Oak Park Drive, on August 19, 2009. He reminded 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. Mr. Kurpakus reported that Zoning Hearing Board approved the variance with the condition that additional landscaping be provided.

Zoning Ordinance Amendment

Mr. Kurpakus reported that the Planning Commission tabled review of the draft zoning ordinance amendment prepared by the Code Review Committee. He surmised they will provide their recommendation at the October 12, 2009 meeting.

COMMUNITY DEVELOPMENT UPDATE

Developments before the Planning Commission

Greek Catholic Ordinate Subdivision

Mr. Kurpakus reported that the Greek Catholic Ordinate Subdivision is a two-lot subdivision of their property along Logan Road. He specified that Parcel 1 will consist of 146.05 acres and is in the process of Planning Commission review as the Pine Crest Manor Planned Residential Development. He added that Parcel 2 will consist of 46.69 acres which may be considered for development at a future date. Mr. Kurpakus advised that the Township Engineer has reviewed and approved the subdivision plan and the Planning Commission has recommended preliminary and final approval.

Mr. James Rumbaugh, the Meritage Group, advised they are currently submitting plans to the Planning Commission for a 65-lot Planned Residential Development next to St. Andrew's Church.

Mr. Spagnolo pointed out that several adjoining properties on Timothy Road are in need of sanitary sewer connection.

Mr. Rumbaugh advised that the plan submission will address that issue.

Motion was made by Mr. Spagnolo and seconded by Mr. Holcroft to grant preliminary and final approval of the Greek Catholic Ordinate Subdivision, pursuant to Drawings R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-9, R-10, R-11, R-12, R-13, R-14, R-15, R-16, R-17, and R-18, all drawn by KU Resources, Inc., and dated August 21, 2009. The aye vote on the motion was unanimous. Motion carried.

Mr. Rumbaugh expressed his appreciation to Township staff, engineers, and committee members for their assistance in the planning process.

Stone and Company

Mr. Kurpakus reported that the Planning Commission reviewed a sketch plan for a redi-mix concrete facility at 318 Warrendale Road, although they did not make a determination on the proposed use. Mr. Kurpakus stated that staff opinion is that the proposed use does not meet the definition of "light manufacturing, research and testing"; however, no formal submission has been received to date.

Mr. Gushard reported that the applicant's legal counsel, Daniel Sporrer, contacted him after the Planning Commission meeting and advised they may make formal submission to the Township. Mr. Gushard stated that appeals can be presented to the Zoning Hearing Board, if necessary.

REPORT OF ENGINEER

Mr. Firek highlighted Lennon Smith Souleret Engineering's September 16, 2009 progress report, noting that English Road paving should be completed within two to three weeks. He added that the 2009 crack sealing program has been completed and the Community Center park entrance lights have been installed. Mr. Firek advised that Lennon Smith Souleret sponsored a presentation on street signs and MS-4 last week, and will present it again on October 2, 2009 at the ALOM conference.

Mr. Spagnolo asked that PENNDOT be requested to clean the Township's recently completed Route 910 sidewalks, as their tar and chip project has left debris on the new sidewalk.

PUBLIC WORKS REPORT

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

ADMINISTRATIVE MATTERS

MINUTES

Motion was made by Mr. Holdcroft and seconded by Mr. Henry to approve the minutes of the August 18, 2009 Board of Supervisors meeting. The aye vote on the motion was unanimous with the exception of Mr. Spagnolo who abstained due to his absence at that meeting. Motion carried.

FINANCIAL STATEMENT – August 2009

Mr. Dennehy recommended that approval of the August 2009 Financial Statement be tabled as it had just been distributed that evening.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to table consideration of the August 2009 Financial Statement. The aye vote on the motion was unanimous. Motion carried.

CONDITIONAL USE – 121 PINE MEADOW DRIVE

Motion was made by Mr. Holdcroft and seconded by Mr. Spagnolo to open the Public Hearing for consideration of a 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.

Mr. Gushard provided history on the subject, reminding that the Board granted conditional use approval to T-Mobile on October 15, 2007 to install external surface-mounted antennas to the existing monopole located at 121 Pine Meadow Drive and a construction permit

ADMINISTRATIVE MATTERS

CONDITIONAL USE – 121 PINE MEADOW DRIVE (Continued)

was issued on October 18, 2007. He noted that the drawings submitted with the application indicated that the coax cables for the proposed antennae 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. He added that the antennae were installed with the coax cables mounted to the outside of the monopole, which resulted in the issuance of “Stop Work” order on January 7, 2008, citing failure to comply with the requirements of the construction permit and the conditional use approval. T-Mobile then forwarded an e-mail request to the Board on June 11, 2009, proposing to satisfy the conditions by installing a shroud over the exposed coax. Mr. Gushard reminded that the Board felt that no new action was warranted by them and the “Stop Work” order was valid as no formal request had been received.

Mr. Kurpakus noted that the Planning Commission recommended denial of the current conditional use application to shroud the exterior cables.

Mr. Shawn Gallagher, Thorp Reed & Armstrong, advised that his firm has just been retained by T-Mobile to assist them in resolving the issue. Mr. Gallagher introduced Keith McCombs and Lou Siyufy of T-Mobile. He then distributed Exhibits A-1, A-2, and A-3; Exhibits B-1, B-2, B-3, and B-4; and Exhibits C-1, C-2, C-3, C-4, and C-5; all of which he requested be considered as record. He explained that Exhibits A-1 through A-3 indicated a simulation of the shroud. Exhibits B-1 through B-4 indicate the existing shroud and Exhibits C-1 through C-5 indicate the inside of the monopole. Mr. Gallagher stated that T-Mobile would like to complete the shrouding. He suggested that a solution would be to move the cable to the other side of the pole, away from Route 19, and then shroud them.

Mr. Spagnolo questioned if the equipment is currently in operation and Mr. Gallagher replied positively. Mr. Spagnolo questioned why work was continued after the “Stop Work” order was issued.

Mr. Keith McCombs, T-Mobile, stated that the only work that occurred after the order was completion of the fencing for safety reasons. He informed that the antenna were in operation at the end of December and the “Stop Work” order was issued January 7, 2007.

Mr. Holdcroft questioned how it was inaccurately determined that the cable would fit inside and Mr. McCombs acknowledged that it was improperly planned.

Mr. Gallagher reiterated that T-Mobile is attempting to resolve the issue. He commented they would appreciate the Board considering the fact that they are currently operating from that tower.

Mr. Henry questioned if future expansion was anticipated.

ADMINISTRATIVE MATTERS

CONDITIONAL USE – 121 PINE MEADOW DRIVE (Continued)

Mr. McCombs stated that T-Mobile is at their capacity at the location.

Mr. Henry expressed his opinion that T-Mobile should be fined for their non-compliance.

Ms. Amy Williams, counsel with Crown Castle, agreed that proper procedure had not been followed. She then stated her opinion that the shroud is not ideal, but could fit within Code. She pointed out that adding onto a tower is less impact than constructing another tower.

Mr. McCombs remarked that coax cable on the outside of a tower is standard.

Mr. Robert Lebo, 121 Pine Meadow Drive, asked that the issue be resolved.

Mr. Gallagher requested that the Public Hearing be continued to permit the opportunity to submit a proposal to resolve the situation.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to continue the Public Hearing on 121 Pine Meadow Drive to October 5, 2009. The aye vote on the motion was unanimous. Motion carried.

CONDITIONAL USE – 120 BROWN ROAD

Mr. Gushard reminded that the Board conducted a Public Hearing on August 18, 2009, to consider the application of Mary Schwacka, D.V.M., for approval of conditional use for a veterinarian office at 120 Brown Road. He counseled that his prepared Findings of Fact reflected their favorable position on that application.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to authorize execution of the Findings of Fact to grant Conditional Use Approval for the allowance of an animal hospital/veterinary services at 120 Brown Road, pursuant to the Code of the Township of Pine, Sections 84-33, 84-91, and 84-137. The aye vote on the motion was unanimous. Motion carried.

WEXFORD VOLUNTEER FIRE COMPANY

Mr. Dennehy recommended that the Board establish a schedule for contributions to the Wexford Volunteer Fire Company after additional information is received from them.

RESOLUTION 805

Mr. Anderson explained that Resolution 805 approves a grant application to the Allegheny County Economic Development, Community Infrastructure and Tourism Board to provide funding for sidewalk and pedestrian amenities at the new fire station.

ADMINISTRATIVE MATTERS

RESOLUTION 805 (Continued)

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to enact Resolution 805, authorizing a CITF Grant Application with Allegheny County. The aye vote on the motion was unanimous. Motion carried.

RESOLUTION 806

Mr. Gushard explained that Resolution 806 addresses the service of Township employees in assisting the Wexford Volunteer Fire Company during business hours. He further explained that the resolution documents the existing policy.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to enact Resolution 806, establishing a policy with regard to Township employees serving as trained members of the Wexford Volunteer Fire Company and such employees' response to emergency alarms during their regularly scheduled hours of employment. The aye vote on the motion was unanimous. Motion carried.

ENVIRONMENTAL ADVISORY COUNCIL

Motion was made by Mr. Henry and seconded by Mr. Spagnolo to appoint Lauren Parker to the Environmental Advisory Council for a term set to expire December 31, 2011. The aye vote on the motion was unanimous. Motion carried.

PUBLIC MEETING WEBCASTING

Mr. Dennehy advised that he had received communication from the business of Granicus, requesting to meet to discuss the advantages of webcasting the public meetings. He requested that Mrs. Fischer look into their program.

2010 BUDGET

The Board agreed to contact Mrs. Fischer to schedule a meeting to review the 2010 budget.

FINANCIAL REQUIREMENT AND MINIMUM MUNICIPAL OBLIGATION

Motion was made by Mr. Henry and seconded by Mr. Holdcroft to authorize the Chief Administrative Officer to sign the Minimum Municipal Obligation for the 2010 Municipal budget. The aye vote on the motion was unanimous. Motion carried.

ADMINISTRATIVE MATTERS

EARNED INCOME TAX COLLECTION

Mrs. Fischer reported that the voting delegates, on countywide collection of earned income tax, will meet on November 4, 2009. She noted there are sixty voting delegates representing school districts and municipalities, of which Pine, Richland, and the school district will comprise 6.5% of the vote.

REVIEW PROPOSED AGENDA FOR MONDAY, OCTOBER 5, 2009

The Board reviewed the following agenda for the Monday, October 5, 2009 meeting.

Unfinished Business

Greek Catholic Ordinate Subdivision, Preliminary and Final Approval **REMOVED**
August 2009 Financial Statement
T-Mobile Conditional Use Request

New Business

Award bid for the Community Center locker room project

ADJOURN

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

The meeting adjourned at 7:52 p.m.

Recording Secretary

Township Manager