

MINUTES OF MEETING OF TOWNSHIP OF PINE BOARD OF SUPERVISORS

Monday, October 5, 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 J. Dennehy, Chair; Philip D. Henry, Vice-Chair; Edward J. Owen; Frank J. Spagnolo; and Ed Holdcroft. Also in attendance were Gary Gushard, Solicitor; Cheryl N. Fischer, Township Manager; Larry A. Kurpakus, Director of Code Enforcement; Joni K. Patsko, Parks and Recreation Director; and Jack Fasick, Director of Public Works.

There were approximately ten visitors present.

CORRESPONDENCE

Mrs. Fischer stated there was no additional correspondence.

WEXFORD VOLUNTEER FIRE COMPANY

Mr. Dennehy presented Richard Voll of the Wexford Volunteer Fire Company with a check in the amount of \$79,463.65 from the Foreign Fire Insurance and a check in the amount of \$185,657 from the Township as a contribution.

Mr. Voll expressed the appreciation of the Fire Company for the Township's financial assistance and permitting the Township staff to assist during the day with fire and traffic accident calls.

Mr. Owen expressed appreciation for the Fire Company volunteers who assisted at a recent fatal traffic accident near Treedale.

PUBLIC COMMENT

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

APPROVAL OF MINUTES

Mr. Owen corrected the September 21, 2009 minutes to clarify that he was not present.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to approve the minutes of the Board of Supervisors meeting of September 21, 2009 with the above noted correction. The aye vote on the motion was unanimous with the exception of Mr. Owen, who abstained, due to his absence at that meeting. Motion carried.

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FINANCIAL STATEMENT – August 2009

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

Mr. Owen questioned the necessity of including arbitrage information on the monthly statements and Mrs. Fischer advised that it will not be included on the 2010 financial statements since the Township is no longer required to pay arbitrage due to the lower rate of interest earned.

UNFINISHED BUSINESS

121 PINE MEADOW DRIVE – Conditional Use - Public Hearing Continuation

Mr. Gushard reminded that the Public Hearing, to review T-Mobile's Conditional Use approval, was tabled at the September 21, 2009 meeting to permit the parties to consider a settlement to the cable not being enclosed inside the cell tower, as required in the Conditional Use.

Mr. Shawn Gallagher, Thorp Reed & Armstrong, noted that he had submitted a Proposed Findings of Fact. He acquiesced that T-Mobile should not have installed the cable externally, as that was not what was indicated on the approved plan. He then noted that T-Mobile's recent submission to the Planning Commission had mistakenly requested permission for shrouding to a height of 150 feet, rather than 115 feet.

Mr. Owen questioned if the cable located outside the pole is currently operating and Mr. Gallagher acknowledged that it is operating.

Mr. Spagnolo expressed his opinion that it was not operational when the "STOP WORK" order was issued.

Mr. Owen added his opinion that operation of the cable is a continuing violation of the Conditional Use as well as the violation of installing the cable outside the pole, and he felt both violations should cease before the Board issues their decision on the matter. He reminded that Mr. Anderson had previously expressed his opinion that cable installation had continued after the order had been issued.

Mr. Gallagher disagreed, stating that the cable and antennae were installed and operational before the "STOP WORK" order was issued.

Mr. Holdcroft questioned if the exterior wires fit could fit into the adjacent cell tower.

Mr. Keith McCombs, T-Mobile, replied positively but explained that the other tower is not under the same ownership.

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UNFINISHED BUSINESS

121 PINE MEADOW DRIVE – Conditional Use - Public Hearing Continuation (Continued)

Mr. Owen questioned if T-Mobile would consider deactivating the unapproved external cable until the issue is resolved.

Mr. Spagnolo agreed that the switch, operating the unpermitted cable to operate, should be turned off.

Mr. Gallagher stated that would need to consult with T-Mobile's corporate counsel.

Mr. Henry stated that he had expected T-Mobile to propose resolution to the issue this evening.

Mr. Owen stated he would like to see the original stealth nature of the tower observed.

Mr. Gushard suggested continuing the Public Hearing to permit additional consideration.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to continue the Public Hearing on 121 Pine Meadow Drive to October 19, 2009. The aye vote on the motion was unanimous. Motion carried.

PROPOSAL OF GRANICUS – Legislative Management Solutions

Mrs. Fischer reported that she investigated the e-mail of Granicus, in which they propose their services to improve public access of Board actions. Mrs. Fischer stated that she did not see a need for their service as the Township presently is placing that information on-line.

Mr. Henry asked that Mrs. Fischer decline the proposal.

NEW BUSINESS

WEXFORD VOLUNTEER FIRE COMPANY

Motion was made by Mr. Owen and seconded by Mr. Holdcroft to authorize the Wexford Volunteer Fire Company to provide emergency services for the Pine-Richland High School bonfire on Saturday, October 3, 2009, the annual fireworks show for the October 8, 2009 Pine-Richland School District Homecoming, participation in the Homecoming parade on October 8, 2009, the Halloween Parade on Manor Road on Friday, October 30, 2009, and the October 24, 2009 party and parade in Blue Heron. The aye vote on the motion was unanimous. Motion carried.

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NEW BUSINESS

COMMUNITY CENTER – Locker Rooms

Mr. Kurpakus referred to the bid tabulation for Community Center locker rooms and noted that R.D. Stuart Company was the general contractor low bid, with the inclusion of Alternate #2. He noted that the architect's fee would be approximately \$55,000. He also noted that \$500,000 was the budgeted amount, with \$250,000 being provided by grant. Mr. Kurpakus advised that all bidders were pre-qualified.

Mr. Dennehy expressed concern that the bids and architect's fee already exceeded the budgeted amount.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to table consideration of the Community Center locker room bids to the October 19, 2009 meeting to permit staff to research the submitted bids. The aye vote on the motion was unanimous. Motion carried.

RESOLUTION 807

Mr. Dennehy explained that Resolution 807 will authorize the Township's participation in an energy audit as part of Allegheny County's energy program.

Mr. Owen stated that he did not see the benefit of such an audit.

Mr. Dennehy pointed out that the energy audit would not cost the Township and may be beneficial in reducing energy use.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to enact Resolution 807, certifying that the Township is willing to participate in an energy audit as part of Allegheny County's energy program for townships, municipalities, and boroughs financed by a block grant through the U.S. Department of Energy. A roll call vote was taken as there was not consensus, with Mr. Spagnolo voting aye, Mr. Holdcroft voting aye, Mr. Henry voting aye, Mr. Dennehy voting aye, and Mr. Owen abstaining. The aye vote on the motion was unanimous. Motion carried.

REAL ESTATE PURCHASE

Mr. Gushard announced that the Board, as permitted under the Sunshine Act, has discussed the purchase of real estate at recent Executive Sessions. He counseled that it appears both parties are agreeable to the transaction.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to authorize advertisement of the Township's purchase of real estate. The aye vote on the motion was unanimous. Motion carried.

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NEW BUSINESS

REAL ESTATE PURCHASE (Continued)

Motion was made by Mr. Henry and seconded by Mr. Spagnolo to authorize the Township Manager to execute an Agreement of Sale for real estate. The aye vote on the motion was unanimous. Motion carried.

PINE-RICHLAND HOMECOMING

Mr. Owen questioned the school district's intent to use Warrendale Road for their Pine-Richland Homecoming Parade, which will require the temporary closing of that area of road.

Mr. Spagnolo advised that he has been continually contacted by Treesdale residents in regard to the road closing. He requested that the Township send a letter to the school board, asking that they provide the Treesdale residents with the specifics.

Mr. Henry offered to deliver the letter as he is meeting with the School District Superintendent this week.

Mr. Owen asked that the correspondence indicate the Board's authorization of the letter.

EXECUTIVE SESSION – Litigation

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to call an Executive Session at 7:20 p.m. for the purpose of discussing litigation. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Owen and seconded by Mr. Spagnolo to terminate the Executive Session at 7:55 p.m. The aye vote was unanimous. Motion carried.

REGULAR MEETING

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 possible litigation.

PINE COMMUNITY CENTER

Mr. Spagnolo requested the Board's authorization to schedule a meeting to resolve the water infiltration problem at the Community Center.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to schedule a meeting with Scott Cessar, Bill Kronstein, and Bob Stock to seek an alternate plan to correct the area of water infiltration at the Community Center. The aye vote on the motion was unanimous. Motion carried.

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NEW BUSINESS

COMMUNITY CENTER LOCKER ROOMS

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to reject all bids for the construction of the Community Center locker rooms and authorize rebidding the project. The aye vote on the motion was unanimous. Motion carried.

ADJOURNMENT

Motion was made by Mr. Holdcroft and seconded by Mr. Spagnolo to adjourn. The aye vote was unanimous. Motion carried.

The meeting adjourned at 8:05 p.m.