

MINUTES OF MEETING OF TOWNSHIP OF PINE BOARD OF SUPERVISORS

Monday, October 19, 2009

Pine Community Center

PLEDGE OF ALLEGIANCE

ROLL CALL

Members in attendance were: Michael J. Dennehy, Chair; Philip D. Henry, Vice-Chair; Edward J. Owen; 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; and Joni K. Patsko, Director of Parks and Recreation. Also present was Robert Firek of Lennon, Smith Souleret Engineering, Inc.; Richard Voll, Wexford Volunteer Fire Company; Northern Regional Police Chief T. Robert Amann; and Pasquale Avolio, Planning Commission Chair.

There were approximately fifteen visitors present.

CORRESPONDENCE

There was no additional correspondence.

PUBLIC COMMENT

Mr. Ray Kraynyk, Executive Director of Allegheny Land Trust, advised that they recently acquired 73 acres in the Township, north of North Park. He noted that this addition to their 1500 acres throughout Allegheny County was the culmination of four years of effort, which they were celebrating on October 31, 2009 at 11:00 a.m. at the Jackson Road/Irwin Road gate. Mr. Kraynyk invited Township Supervisors and staff to attend.

Mr. Gary Rigdon, Chair of the Friends of North Park, advised that their group assisted in raising the \$30,000 to assist in obtaining the parcel. Mr. Rigdon then invited the Supervisors and staff to a picnic directly following the Land Trust dedication on October 31, 2009.

Mr. Kraynyk and Mr. Rigdon distributed flyers on the events.

COMMITTEES

Parks and Recreation Commission

Ms. Patsko expressed appreciation to the Pine-Richland Soccer Club for their recent donation of the second of three payments of \$10,000 toward the new restroom facility in the Community Park. She also expressed appreciation to all those who assisted with the recent "Touch-a-Truck" program and Halloween Party.

INTERGOVERNMENTAL AGENCIES

Northern Tier Regional Library

The library's written report provided the August 2009 library statistics, specifying that circulation was 25,658. There were 87 new borrowers registered and 845 items added to the collection.

North Hills COG

Mr. Spagnolo reported that he had not attended the recent meeting of the North Hills Council of Governments, although the agenda had not indicated any outstanding issues.

Pine-Richland School District

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

PUBLIC SAFETY

Joint Police Board

The September 2009 written report of the Northern Regional Police was reviewed by Chief Amann. He added that Warrendale Road, between Treesdale and the Pine-Richland High School, was closed for approximately one hour for the recent homecoming parade, with no issues. He noted that extra patrols will be scheduled for Halloween, on October 31st.

Wexford Volunteer Fire Company

Mr. Voll reported that the Fire Company responded to 22 calls in September, and 294 calls to date in 2009. He then provided several details of the monthly calls.

Attorney Daniel Gramc reported that financing for the new fire station is progressing favorably. He specified that a commitment letter was recently signed with the bank and a new projected disbursement schedule has been established for a 20-year loan with a 25-year payment schedule. Mr. Gramc requested that the Board adopt the required ordinance to satisfy the bank's requirements and permit the project to be bid.

Mr. Gushard reminded that the Board previously authorized advertisement for the legal requirements.

Mrs. Fischer recommended that the Board consider setting a specific amount for the Township's annual contribution, rather than the current method of basing it on millage.

PUBLIC SAFETY

Wexford Volunteer Fire Company (Continued)

Mr. Dave Buttermore, Wexford Volunteer Fire Company President, reported that he applied for a Homeland Security grant, although he is not expecting to receive it at this time.

Fire Marshal

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

REPORT OF THE SOLICITOR

Mr. Gushard reported that the Planning Commission reviewed the Zoning Ordinance Committee's recommended Code revisions and recommended approval, with two conditions. He specified those as follows: **(1)** §84-67.1. *Night Club A(4). Should be clarified to provide a specific distance that a nightclub must be from an area where minors may congregate rather than stating "proximity". Determination should be made by staff, perhaps after consulting with the standards of other municipalities.* **(2)** §78-9 *Definitions. Increase of permitted cul-de-sac length to 4,000 feet should be reduced to 2,000 feet.*

Mr. Owen, as a member of the Zoning Ordinance Committee, recalled that the number of houses permitted on a cul-de-sac was restricted according to its zoning district. He requested that members of a review committee be provided with an agenda when a subsequent review is performed by another Township committee. Mr. Owen questioned if the draft that will be provided to the Board will be all-inclusive and as recommended by the Zoning Ordinance Committee, which Mr. Gushard confirmed.

COMMUNITY DEVELOPMENT UPDATE

Administrative

Zoning Ordinance Amendment

Mr. Kurpakus reported that he had nothing additional to report on the proposed revisions to the zoning ordinance.

Developments before the Planning Commission

Pine Crest PRD

Mr. Kurpakus reported that Planning Commission completed their review of the proposed 69 lot planned residential development on Logan Road. He noted that the plan will be presented at a future meeting.

COMMUNITY DEVELOPMENT UPDATE

Developments before the Planning Commission

Pine Crest PRD (Continued)

Mr. Avolio provided the Planning Commission's unanimous recommendation for tentative approval of the Pine Crest PRD.

Mr. Spagnolo questioned the locations of the sanitary sewer lines.

Mr. Kurpakus explained that the lines will extend to the back of St. Andrew's Church, to Logan Road, and through the valley, which will extend to and provide for future connection by Timothy Road residents.

REPORT OF ENGINEER

Mr. Firek highlighted Lennon Smith Souleret Engineering's October 15, 2009 progress report, noting that the paving of English Road is 75% complete, Swinderman Road is 35% complete, and Gateway Avenue and Manor Road are completed. He also noted that the Community Center entrance lighting is nearly complete.

PUBLIC WORKS REPORT

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

ADMINISTRATIVE MATTERS

MINUTES

Motion was made by Mr. Owen and seconded by Mr. Spagnolo to approve the minutes of the October 5, 2009 Board of Supervisors meeting. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Henry and seconded by Mr. Spagnolo to approve the minutes of the October 7, 2009 Board of Supervisors meeting. The aye vote on the motion was unanimous. Motion carried.

CONDITIONAL USE – 121 PINE MEADOW DRIVE

Mr. Gushard reminded that the Public Hearing on T-Mobile's conditional use application for the existing monopole at 121 Pine Meadow Drive was continued from the prior meeting.

Mr. Shawn Gallagher, Thorp Reed & Armstrong, discussed correspondence from PennPower, stating that electric transmission began to the T-Mobile site on December 31, 2007.

ADMINISTRATIVE MATTERS

CONDITIONAL USE – 121 PINE MEADOW DRIVE (Continued)

Mr. Gallagher reminded that the “Stop Work” order was issued on January 7, 2008. He acknowledged, however, that the meter was not installed until after the “Stop Work” order was issued. Mr. Gallagher stated that in regard to the Board’s suggestion to deactivate the site, T-Mobile has advised that would not be simple.

Mr. Gushard reminded that T-Mobile’s proposed Findings of Fact requests permission for the shroud to extend 150 feet and be constructed of the same material and color. He specified that the shroud will extend approximately 6” from the pole, on one side.

Mr. Owen questioned if Mr. Anderson felt the stealth nature of the pole would be preserved, as proposed.

Mr. Anderson pointed out that the shroud would cover the cable, but not the antennae.

Mr. Gushard recalled that the Board’s intent had been to avoid the typical lattice type towers.

Mr. Owen questioned if the “Stop Work” order is still in effect and Mr. Anderson confirmed that it remains in effect at this time. Mr. Owen pointed out that T-Mobile could be fined for each day of non-compliance as of January 7, 2008.

Mr. Gushard counseled that he did not believe the magistrate would agree with that determination.

Mr. Anderson referred to his records and produced a January 7, 2008 photo, showing the meter in place and a subsequent photo from January 8, 2008, indicating that current was not running on January 7, but was on January 8.

Mr. Henry recalled that T-Mobile had previously offered \$5,000 as a settlement of the issue. He expressed his opinion that fining them that amount would serve as a deterrent for future violations.

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. Holdcroft to close the Public Hearing. The aye vote on the motion was unanimous. Motion carried.

Mr. Gushard counseled that the Board will have 45 days from the close of the Public Hearing to submit their written finding to the applicant.

ADMINISTRATIVE MATTERS

CONDITIONAL USE – 121 PINE MEADOW DRIVE (Continued)

Mr. Holdcroft suggested that the exterior cable and shrouding be moved to the back.

Mr. Keith McCombs, T-Mobile, pointed out that the exterior cable is visible from Perry Highway, only when traveling north to south. He added that it would be very costly to relocate.

The Board stated they would review the issue further at an Executive Session, due to possible litigation.

ORDINANCE 351

Motion was made by Mr. Spagnolo and seconded by Mr. Owen to open a Public Hearing to consider Ordinance 351, authorizing the purchase of real estate. The aye vote on the motion was unanimous. Motion carried.

Mr. Gushard informed that Ordinance 351 proposes the purchase of property at 281 Pearce Mill Road, to be adjoined to the Community Park parcel.

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

Motion was made by Mr. Spagnolo and seconded by Mr. Owen to close the Public Hearing for consideration of Ordinance 351. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Henry and seconded by Mr. Holdcroft to enact Ordinance 351, authorizing purchase of a certain parcel of real estate, approximately 1.53 acres in size and located at 281 Pearce Mill Road (parcel identification number 2184-S-00004-0000-00) for the gross purchase price of \$82,500.00, and authorizing the payment of certain reasonable costs ancillary to such acquisition. The aye vote on the motion was unanimous. Motion carried.

ROUTE 910 PENNDOT PAVING

Mr. Dennehy advised that PENNDOT is requesting the Township's permission to mill and resurface Route 910, between Church Road to Pearce Mill Road, at night during the weekdays between 8:00 p.m. and 6:00 a.m.

Mr. Anderson reminded that the Township previously granted PENNDOT permission to the same conditions for their work on Warrendale Road, and no complaints were received.

Motion was made by Mr. Henry and seconded by Mr. Owen to grant PENNDOT permission to mill and resurface Rt. 910, between Church and Pearce Mill Roads, between 8:00 p.m. and 6:00 a.m. on weeknights. The aye vote on the motion was unanimous. Motion carried.

PINE CREST PRD

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to authorize advertisement for a public hearing for consideration of the Pine Crest Planned Residential Development. The aye vote on the motion was unanimous. Motion carried.

ZONING ORDINANCE AMENDMENT

Motion was made by Mr. Owen and seconded by Mr. Spagnolo to authorize advertisement for a public hearing to consider an amendment to the zoning ordinance, Chapter 84 of the Township of Pine. The aye vote on the motion was unanimous. Motion carried.

2010 BUDGET

Mrs. Fischer noted that a draft of the 2010 budget has been provided to the Board. She reminded that the Home Rule Charter requires that the finalized budget be available for public viewing by the second Monday of November, which means that it must be finalized for approval at the November 2, 2009 meeting.

Mr. Dennehy stated that several issues relating to the budget required discussion at an Executive Session.

Mr. Owen commended Mrs. Fischer on her preparation of the draft budget.

REVIEW PROPOSED AGENDA FOR MONDAY, NOVEMBER 2, 2009

The Board reviewed the following agenda for the Monday, November 2, 2009 meeting.

Unfinished Business - None

New Business

Award bids for the Community Center locker room project.

Authorize advertisement of the 2010 municipal budget.

Action on Resolution 808, updating the Township's standard details.

Public Hearing on Ordinance 352, regarding the amendment of Chapter 84 (Zoning) of the Township Code.

Accept financial statement for September 2009 and approval of bills thereon.

EXECUTIVE SESSION – Potential Litigation and Personnel Matters

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to call an Executive Session at 7:40 p.m. to discuss potential litigation and personnel matters. The aye vote on the motion was unanimous. Motion carried.

TOWNSHIP OF PINE BOARD OF SUPERVISORS

MEETING MINUTES

October 19, 2009

Page 8

EXECUTIVE SESSION – Potential Litigation and Personnel Matters (Continued)

Motion was made by Mr. Henry and seconded by Mr. Spagnolo to terminate the Executive Session at 8:15 p.m. The aye vote on the motion 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 potential litigation and personnel matters.

ADJOURN

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

The meeting adjourned at 8:15 p.m.

Recording Secretary

Township Manager