

MINUTES OF MEETING OF TOWNSHIP OF PINE BOARD OF SUPERVISORS

Monday, November 2, 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; and Ed Holdcroft. Also in attendance were: Gary Gushard, Solicitor; Cheryl N. Fischer, Township Manager; Scott D. Anderson, Assistant Manager; Larry A. Kurpakus, Director of Code Enforcement; Joni K. Patsko, Parks and Recreation Director; and Jack Fasick, Director of Public Works. The absence of Supervisor Frank J. Spagnolo was noted.

There were approximately ten visitors present.

CORRESPONDENCE

Mrs. Fischer stated there was no additional correspondence.

PUBLIC COMMENT

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

APPROVAL OF MINUTES

Motion was made by Mr. Henry and seconded by Mr. Owen to approve the minutes of the Board of Supervisors meeting of October 19, 2009. The aye vote on the motion was unanimous. Motion carried.

FINANCIAL STATEMENT – September 2009

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

UNFINISHED BUSINESS

121 PINE MEADOW DRIVE – Conditional Use

Mr. Gushard reminded that the Public Hearing on the Conditional Use Application of T-Mobile, for the existing monopole located at 121 Pine Meadow Drive, was closed at the October 19, 2009 meeting. He noted that a T-Mobile representative was not in attendance.

UNFINISHED BUSINESS

121 PINE MEADOW DRIVE – Conditional Use (Continued)

Mr. Owen requested to present additional information on that subject, by questioning the 121 Pine Meadow Drive property owner, Robert Lebo.

Mr. Gushard counseled that the Public Hearing was closed and he did not feel it was appropriate to take additional information at this time.

Mr. Owen expressed his desire to have Mr. Lebo address the Board. Mr. Owen stated that he advised that he had visited the site with Mr. Lebo the previous week and had discovered information that he felt was valuable. He expressed his opinion that T-Mobile knew, before appearing before the Planning Commission and the Board of Supervisors, that their cable would not fit inside the monopole. Mr. Owen asked that Mr. Lebo provide information on that subject.

Mr. Lebo recalled that he had been contacted by T-Mobile's Chicago office in August before the "Stop Work" order was issued and then attended two job site meetings that had occurred with their contractors. Mr. Lebo stated that T-Mobile knew full well, before their Conditional Use applications, that the cables would not fit inside the monopole.

Mr. Owen questioned the degree of work that occurred after the "Stop Work" order was issued by the Township, noting that T-Mobile had stated that only work that occurred after that time was completion of the fencing, for safety reasons.

Mr. Lebo recalled that the "Stop Work" order was posted at 10:00 a.m., at which time the contractor left the site. Mr. Lebo stated his opinion that the fence was securable at that time, although the plastic privacy slots and the top hardware were not yet installed. He recalled that the propane tank had been replaced and then filled by the gas company. He stated that T-Mobile did continue work on the cables after the "Stop Work" order was issued. Mr. Lebo advised that T-Mobile has been there occasionally working on the antenna shrouds.

Mr. Owen questioned whether the monopole complied with industry standards on wind loads.

Mr. Dennehy advised that he had discussed the issue with the Solicitor, who felt that changes to the pole would not be required.

Mr. Gushard stated that, as instructed, he communicated with T-Mobile's legal counsel and presented the options of either relocating the cables to the rear and shrouding them or paying a penalty. Their counsel stated that T-Mobile is willing to relocate the cables from the southern side to the northern and then cover them with shroud from the height of 115 feet down to the ground. Mr. Gushard reminded that the Township must issue a written decision within 45 days of the date of the hearing closing on October 19, 2009. He suggested that T-Mobile be required to provide a statement from their engineer on the pole's safety, as a condition of any approval.

UNFINISHED BUSINESS

121 PINE MEADOW DRIVE – Conditional Use (Continued)

Mr. Owen asked that the subject be tabled so the safety data can be submitted to Larry Souleret, the Township Engineer, for review.

Motion was made by Mr. Owen and seconded by Mr. Henry to table consideration on the T-Mobile's Conditional Use request. The aye vote on the motion was unanimous. Motion carried.

Mr. Gushard expressed his intent to request an extension of time from T-Mobile.

Mr. Owen stated that T-Mobile should be required to compensate the Township Engineer for review of the tower safety standards in regard to wind.

Mr. Gushard expressed his intent to review the Code to determine if the applicant of a Conditional Use application could be held financially responsible for that review.

NEW BUSINESS

COMMUNITY CENTER – Locker Rooms

Mr. Anderson referred to the October 29, 2009 bid tabulation for locker rooms at the Community Center, and noted the low bidders and the total project cost of \$498,512, which includes the 12% contingency. He advised that the bidders were all separately bonded, their bid bonds have been received, and referrals on the low bidders were positive.

Mr. Dennehy asked that Mr. Spagnolo be consulted on the low bidders, due to his field of construction.

General Trades Contractor

Motion was made by Mr. Owen and seconded by Mr. Holdcroft to award the contract for General Trades for the Community Center locker rooms to Tomlyn Construction in the Base Bid Amount of \$228,800.00. The aye vote on the motion was unanimous. Motion carried.

Electrical Contractor

Motion was made by Mr. Owen and seconded by Mr. Holdcroft to award the contract for Electric for the Community Center locker rooms to Claw, Inc. in the amount of \$30,105.00. The aye vote on the motion was unanimous. Motion carried.

NEW BUSINESS

COMMUNITY CENTER – Locker Rooms (Continued)

HVAC Contractor

Motion was made by Mr. Owen and seconded by Mr. Holdcroft to award the contract for HVAC for the Community Center locker rooms to Guy's Mechanical Systems, Inc. in the amount of \$49,995.00. The aye vote on the motion was unanimous. Motion carried.

Fire Protection Contractor

Motion was made by Mr. Owen and seconded by Mr. Holdcroft to award the contract for Fire Protection for the Community Center locker rooms to Preferred Fire Protection in the amount of \$5,300.00. The aye vote on the motion was unanimous. Motion carried.

Plumbing Contractor

Motion was made by Mr. Owen and seconded by Mr. Holdcroft to award the contract for Plumbing for the Community Center locker rooms to Vrabel Plumbing Company in the amount of \$74,200.00. The aye vote on the motion was unanimous. Motion carried.

RESOLUTION 808

Mr. Anderson explained that Resolution 808 will update several of the Township's standard details.

Motion was made by Mr. Henry and seconded by Mr. Holdcroft to enact Resolution 808, approving and adopting certain standard details as approved specifications for use in construction and land development within the Township (and including specifications for erosion control, roadway and site drainage, stormwater management, roadway construction, site details, trail design, Route 19 boulevard district streetscape and landscape standards, and Parks and Recreation Commission design details) bearing a date as listed below, and as prepared and recommended to the Board of Supervisors of the Township of Pine, the Township of Pine Engineer, and consultants. The aye vote on the motion was unanimous. Motion carried.

NORTHERN REGIONAL POLICE LEASE

Mrs. Fischer reported that the proposed Northern Regional Police lease will be valid from January 1, 2010 to December 31, 2014.

Motion was made by Mr. Owen and seconded by Mr. Holdcroft to approve the 2010 – 2014 lease with the Northern Regional Police Department. The aye vote on the motion was unanimous. Motion carried.

NEW BUSINESS

NORTHERN REGIONAL POLICE LEASE (Continued)

Mr. Dennehy noted that Marshall Township requested that the Township consider a 2% cap on increases on future leases.

The Board agreed to consider that request at the next lease renewal.

2010 MUNICIPAL BUDGET

The Board reviewed the 2010 Municipal budget.

Mr. Dennehy noted the 2010 \$2 million dollar payment and \$220,000 monthly payments to the Wexford Volunteer Fire Company. He then questioned if the required Township letter of commitment to the fire company's financier, for the new station, has been drafted and Mr. Gushard replied that the amortization schedule has been received and a draft of the commitment was in the meeting packet.

Mr. Gushard noted that although the Board reviewed options to establish a schedule for increases to the annual contributions to the Fire Company, they had agreed to not provide specific figures at this time, although the amount would not decrease.

Motion was made by Mr. Henry and seconded by Mr. Dennehy to authorize the advertisement of the 2010 Municipal Budget. The aye vote on the motion was unanimous. Motion carried.

TOWNSHIP COMMITTEE/BOARD/COMMISSION OPENINGS

Motion was made by Mr. Owen and seconded by Mr. Henry to authorize advertisement of Township Committee, Boards, and Commission openings. The aye vote on the motion was unanimous. Motion carried.

COMMUNITY CENTER PROGRAMS

Ms. Patsko requested authorization to provide for personal training at the Community Center. She advised that the trainers could be hired as an independent contractor or part-time employee, if they have the required certification.

The Board agreed that the specifics for providing the personal training should be determined between Ms. Patsko, the Township Manager, and the Solicitor.

NEW BUSINESS

WIND TURBINE

Mr. Dennehy referred to an e-mail received from Lou Siyufy of LJS Development Corporation, proposing a revision to the tower of the wind turbine.

Mr. Anderson stated that he reviewed the e-mail and, without further specifics, did not feel it was an option that should be pursued at this time.

The Board requested that Mr. Anderson reply to Mr. Siyufy.

TOWNSHIP LIGHTING

Mr. Dennehy advised that Joe Daqualente, Daqualente Lighting, has contacted him and advised that The Village at Pine lights do not have the "blue ring" that is required by the Township standard details. He asked that Mr. Anderson view those lights and advise the developer, if they are not the correct lights.

SWEARING-IN REQUIREMENTS

Mr. Owen asked that the Solicitor review the requirements to permit the Board of Supervisors to swear-in persons providing testimony at the meetings.

Mr. Gushard stated that he would, although an issue would be the lack of a verbatim record, as the recording secretary summarized statements of the meeting.

ADJOURNMENT

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

The meeting adjourned at 7:45 p.m.