

MINUTES OF MEETING OF TOWNSHIP OF PINE BOARD OF SUPERVISORS

Monday, December 7, 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; and Jack Fasick, Director of Public Works. The absence of Supervisors Frank J. Spagnolo was noted.

There were approximately ten visitors present.

CORRESPONDENCE

Mrs. Fischer stated there was no additional correspondence.

PUBLIC COMMENT

Lake MacLeod

Mr. Tim Shipley, Shipley Development, referred to his December 4, 2009 correspondence in which he advised that the Lake MacLeod Homeowner's Association has requested that the \$27,900 payment to the Township, in lieu of a trail in that plan, be used to provide other recreation within the development. Secondly, they have also requested that the mini-park planned for Phase II not be built as they fear it will become a public nuisance, similar to the situation in Oak Park, and they also wish to have those funds be used for alternate recreation within the plan. Mr. Shipley expressed his support for both requests and asked for the Board's approval before preparing a proposal for alternate recreational amenities.

Mr. Gushard counseled that as the Parks and Recreation Commission, the Planning Commission, and the Board of Supervisors had previously reviewed and approved the plan, any modification would require another review by those parties.

Mr. Gushard recommended that Shipley Development propose alternate recreation to the staff for a preliminary review prior to submission for formal consideration.

Mr. Owen explained that the park in Oak Park had become a nuisance with loitering. He then questioned the developer's intent to rectify the impact of vehicle headlights from McFadden Drive into the Oak Park neighborhood.

PUBLIC COMMENT

Lake MacLeod (Continued)

Mr. Shipley advised that the options are being reviewed, although a planted island may likely be their solution.

Nudi Property

Mrs. Nina Dryer and Ms. Mary Ann Burge requested to address the Board, regarding their parent's property on Rich Hill Lane. They explained that the Pennsylvania Turnpike Commission had originally proposed to construct a new access for the four property owners on Rich Hill Lane, as portions of their right-of-way was needed for the Turnpike expansion project. The Township had requested a sound wall be included in that proposal and, subsequently, the Turnpike Commission determined that cost was prohibitive which resulted in the Pennsylvania Turnpike Commission purchasing the properties from the residents. Mrs. Dryer and Ms. Burge asked that the Township assist them in gaining an access to their property as their acreage with a vacant house and barn is now landlocked.

Mr. Anderson reported that a recent conference call with Mr. Pat Nudi, Mrs. Dryer, Ms. Burge, two Turnpike representatives, Mr. Henry, State Representative Mike Turzai, and himself, clarified that the Turnpike Commission had an agreement of sale with the Nudi family in which they had been compensated for their right-of-way.

Ms. Burge acknowledged that they were compensated for the right-of-way, although they felt that they had agreed to the sale under duress, as the funds were needed for delinquent property tax.

Mr. Anderson noted that the Township was not a party of and not familiar with the details of the agreement. He advised that the Turnpike Commission expressed their willingness, during the telephone conversation, to renegotiate their agreement with the Nudi family. Mr. Anderson reported that Representative Turzai suggested that if the Township felt that access to that property is needed for emergency purposes, they should document that to him and he would forward that to the Turnpike Commission with his support.

Mr. Henry expressed his support for access to the property.

Mr. Anderson advised that in the event of an emergency, the fire company could access the property, regardless of a recorded easement or right-of-way.

Mr. Owen questioned if it is legal to purchase a portion of a property, resulting in the creation of a landlocked parcel.

Mr. Gushard advised there are a number of landlocked parcels in the Township. He expressed his understanding that the Turnpike purchased the entire Nudi property and then

PUBLIC COMMENT

Nudi Property (Continued)

subsequently returned the ownership, minus the area needed for the Turnpike construction. He stated that he had no objection to the Township supporting emergency access, but did not feel the Township had responsibility for providing or securing public access.

Mr. Henry stated that as the Nudi family is responsible for real estate taxes and liability, they should either have access or be removed from the tax roll. He then suggested that the Nudi family attempt to gain access through one of the seven adjoining property owners.

Mr. Anderson identified those property owners as David Tessmer, Paul VanDyke, Joseph and Anne Baker, Vincent Vanchura, and the Pine Development Company.

Mr. Dennehy questioned if the Nudi family had legal representation when they sold their right-of-way and was advised by Ms. Burge that they did. Mr. Dennehy recommended that they consult with that legal counsel.

Mr. Owen suggested that the Township add their support if Representative Turzai contacts the Pennsylvania Turnpike Commission.

APPROVAL OF MINUTES

Motion was made by Mr. Holdcroft and seconded by Mr. Owen to approve the minutes of the Board of Supervisors meeting of November 16, 2009. The aye vote on the motion was unanimous. Motion carried.

UNFINISHED BUSINESS

121 PINE MEADOW DRIVE – Conditional Use

Mr. Gushard reminded that the Township has been waiting for engineering confirmation that the monopole at 121 Pine Meadow Drive is structurally sound. He noted that engineering reports have been received from Crown Castle's consultant and from Brace Engineering, with Brace's report stating that anchor rods sufficiency has not yet been determined. He advised that T-Mobile has provided a time extension through the January 4, 2010 meeting and the Board could, therefore, approve the monopole revisions that evening, with conditions, or wait for Crown Castle to provide additional engineering to Brace Engineering and take action at the January 4, 2010 meeting.

Mr. Owen expressed his preference for an opinion by the Township Engineer.

Mr. Anderson explained that Lennon Smith Souleret Engineering has requested that Brace Engineering provide their opinion, as that is not their expertise.

UNFINISHED BUSINESS

121 PINE MEADOW DRIVE – Conditional Use (Continued)

Mr. Owen expressed his opinion that it is then Mr. Souleret's responsibility to provide his support of Brace Engineering's opinion. He suggested tabling the issue to January 4, 2010.

Motion was made by Mr. Henry and seconded by Mr. Holdcroft to approve the revised Conditional Use application of T-Mobile for the existing monopole located at 121 Pine Meadow Drive with the following conditions: 1) Compliance with all 2007 conditions. 2) Written confirmation from Lennon Smith Souleret Engineering, stating that all structural components and equipment are in compliance with ANSI-222F requirements. 3) External equipment to be relocated to the northern side of the pole. 4) Shroud only permitted to the height of 115 feet. The aye vote on the motion was unanimous. Motion carried.

PINE CREST MANOR PRD

Mr. Gushard reviewed the Finding of Fact and Tentative Approval with Conditions for the Pine Crest Manor Planned Residential Development. He noted that all Environmental Advisory Council, Parks and Recreation Commission, Planning Commission, and Board of Supervisors recommendations were included. He also noted that the approval stipulates that the developer fully explore the potential for the extension of sewer and water lines before final approval of Phase I.

Mr. James Rumbaugh, the Meritage Group, agreed to that stipulation.

Motion was made by Mr. Henry and seconded by Mr. Holdcroft to approve the Finding of Fact and Tentative Approval with Conditions for the Pine Crest Manor Planned Residential Development. The aye vote on the motion was unanimous. Motion carried.

NEW BUSINESS

ORDINANCE 354

Motion was made by Mr. Owen and seconded by Mr. Holdcroft to open a Public Hearing for consideration of Ordinance 354. The aye vote on the motion was unanimous. Motion carried.

Mr. Gushard explained that Ordinance 354 will vacate a portion of the prior public right-of-way for Old Wallace Road. He specified that the area is within The Village of Pine and the vacation request was received from that developer.

Mr. Dennehy opened the Public Hearing to public comment, with no requests to address the subject.

NEW BUSINESS

ORDINANCE 354 (Continued)

Motion was made by Mr. Henry and seconded by Mr. Holdcroft to close the Public Hearing for consideration of Ordinance 354. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Henry and seconded by Mr. Owen to enact Ordinance 354, vacating a portion of the prior public right-of-way for Old Wallace Road. The aye vote on the motion was unanimous. Motion carried.

RESOLUTION 809

Motion was made by Mr. Henry and seconded by Mr. Holdcroft to enact Resolution 809, setting the tax rate on all real property within the Township of Pine, subject to taxation, for the fiscal year 2010. The aye vote on the motion was unanimous. Motion carried.

RESOLUTION 810

Motion was made by Mr. Owen and seconded by Mr. Henry to enact Resolution 810, appropriating specific sums estimated to be required for the specific purpose of the municipal government during the year 2010. The aye vote on the motion was unanimous. Motion carried.

RESOLUTION 811

Motion was made by Mr. Owen and seconded by Mr. Holdcroft to enact Resolution 811, accepting the dedication of the public right-of-way for a specified part of Wallace Road Extension, located within the Copperleaf Plan of Lots, as part of the public road system of the Township of Pine. The aye vote on the motion was unanimous. Motion carried.

RESOLUTION 812

Mr. Gushard explained that Resolution 812 adopts a policy governing the prevention, deterrence, detection, investigation, and punishment of fraud and corruption and was prepared in response to the Township auditor's recommendation.

Mr. Dennehy referred to the resolution's stipulation that the Board of Supervisors is responsible for developing an oversight process, which would require meeting with the auditor prior to their final report.

Mr. Gushard suggested that the audit committee be established at the organizational meeting on January 4, 2010.

NEW BUSINESS

RESOLUTION 812 (Continued)

Motion was made by Mr. Owen and seconded by Mr. Holdcroft to enact Resolution 812, adopting a policy governing the prevention, deterrence, detection, investigation, and punishment of fraud and corruption. The aye vote on the motion was unanimous. Motion carried.

WEXFORD VOLUNTEER FIRE COMPANY

Motion was made by Mr. Holdcroft and seconded by Mr. Owen to authorize the attendance of the Wexford Volunteer Fire Company and the Santa/Holiday event at The Village of Pine Giant Eagle on December 3, 2009. The aye vote on the motion was unanimous. Motion carried.

ALLEGHENY COUNTY BOROUGH ASSOCIATION

Motion was made by Mr. Henry and seconded by Mr. Holdcroft to authorize the Board of Supervisors to attend the 61st Annual Allegheny County Boroughs Association Banquet on February 6, 2010 at the Westin Convention Center. The aye vote on the motion was unanimous. Motion carried.

PSATS CONFERENCE

Motion was made by Mr. Holdcroft and seconded by Mr. Henry to authorize the Board of Supervisors to attend the PSATS Conference in Hershey, Pennsylvania, April 18 through 21, 2010. The aye vote on the motion was unanimous. Motion carried.

DECEMBER 21, 2009 WORK SESSION

Motion was made by Mr. Owen and seconded by Mr. Holdcroft to cancel the December 21, 2009 Work Session. The aye vote on the motion was unanimous. Motion carried.

ADJOURNMENT

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

The meeting adjourned at 7:45 p.m.