

MINUTES OF MEETING OF TOWNSHIP OF PINE BOARD OF SUPERVISORS

Monday, January 4, 2010

Township of Pine Municipal Building

This meeting of the Township of Pine Board of Supervisors was called to order at 6:30 p.m. by Cheryl N. Fischer, Township Manager.

Members in attendance were: Michael J. Dennehy, Philip D. Henry, Edward J. Holdcroft, Edward J. Owen, and Frank J. Spagnolo. Also in attendance were: Gary J. Gushard, Solicitor; Cheryl N. Fischer, Township Manager; Scott D. Anderson, Assistant Manager; and Larry Kurpakus, Director of Code Administration and Land Development.

There were five visitors present.

PLEDGE OF ALLEGIANCE

ORGANIZATION OF THE BOARD OF 2010

Motion was made by Mr. Spagnolo and seconded by Mr. Owen to appoint Michael Dennehy as Chair of the Board of Supervisors for 2010. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Holdcroft and seconded by Mr. Spagnolo to appoint Phil Henry as Vice-Chair of the Board of Supervisors for 2010. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to appoint Cheryl N. Fischer as Township Manager for 2010. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to appoint Gary Gushard, Tucker Arensberg, P.C., as Township Solicitor for 2010. As there was not consensus, a roll call vote was taken with Mr. Spagnolo voting aye, Mr. Henry voting aye, Mr. Dennehy voting aye, Mr. Holdcroft voting aye, and Mr. Owen voting nay. Motion carried.

Motion was made by Mr. Henry and seconded by Mr. Holdcroft to appoint Lennon Smith Souleret Engineering as the Township Engineer for 2010. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Henry and seconded by Mr. Holdcroft to appoint Herbert Rowland & Grubic, Inc. as the Township Transportation Engineer for 2010. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Henry and seconded by Mr. Holdcroft to appoint K.L.H. Engineering as the Township Consulting Engineer for 2010. The aye vote on the motion was unanimous. Motion carried.

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ORGANIZATION OF THE BOARD OF 2010 (Continued)

Motion was made by Mr. Henry and seconded by Mr. Spagnolo to reappoint Scott D. Anderson as the 2010 Emergency Management Coordinator. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Henry and seconded by Mr. Holdcroft to reappoint Scott D. Cessar to the Zoning Hearing Board for a three-year term to expire December 31, 2012. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Henry and seconded by Mr. Holdcroft to reappoint Sandra Cikovic to the Zoning Hearing Board for a three-year term to expire December 31, 2012. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Henry and seconded by Mr. Spagnolo to reappoint Pasquale Avolio to the Planning Commission for a three-year term to expire 2012. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Henry and seconded by Mr. Spagnolo to reappoint R. Jeffrey McGeary to the Planning Commission for a three-year term to expire 2012. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Holdcroft and seconded by Mr. Owen to reappoint Cheryl Wist to the Environmental Advisory Council for a three-year term to expire December 31, 2012. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Holdcroft and seconded by Mr. Owen to reappoint John Zerrer to the Environmental Advisory Council for a three-year term to expire December 31, 2012. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Henry and seconded by Mr. Spagnolo to reappoint John Kimicata to the Parks Subcommittee for a three-year term to expire December 31, 2012. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Henry and seconded by Mr. Holdcroft to reappoint Kellie Monroe to the Recreation Subcommittee for a three-year term to expire December 31, 2012. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Henry and seconded by Mr. Holdcroft to reappoint Cindy Olshavsky to the Recreation Subcommittee for a three-year term to expire December 31, 2012. The aye vote on the motion was unanimous. Motion carried.

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ORGANIZATION OF THE BOARD OF 2010 (Continued)

Motion was made by Mr. Henry and seconded by Mr. Spagnolo to announce a vacancy on the Recreation Subcommittee for a two-year term to expire December 31, 2011. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to reappoint George Haberman to the Building Code Board of Appeals for a three-year term to expire December 31, 2012. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to reappoint Michael Dennehy, Philip Henry, and Frank Spagnolo as 2010 Supervisor Members to the Northern Regional Police Force Board with Edward Holdcroft and Edward Owen as alternates. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Henry and seconded by Mr. Holdcroft to reappoint Frank Spagnolo as 2010 Supervisor Representative for the North Hills Council of Governments with Edward Owen as an alternate. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to reappoint Edward Owen and Edward Holdcroft as 2010 Supervisor Liaisons to the Wexford Volunteer Fire Company. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to reappoint Philip Henry as 2010 Supervisor Liaison to the Pine-Richland School District and to appoint Edward Owen as alternate. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Spagnolo and seconded by Mr. Owen to reappoint Michael Dennehy as 2010 Supervisor Representative to the Police Pension Trust Committee with Edward Owen to serve as an alternate. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Henry and seconded by Mr. Spagnolo to reappoint Edward Holdcroft and Frank Spagnolo as 2010 Supervisor Representatives to PENNDOT. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Henry and seconded by Mr. Holdcroft to reappoint Edward Owen as 2010 Supervisor Representative to the McCandless Industrial Development Authority. The aye vote on the motion was unanimous. Motion carried.

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Motion was made by Mr. Owen and seconded by Mr. Spagnolo to reappoint Michael Dennehy as 2010 Supervisor Representative to the North Pittsburgh Community Development Corporation with Frank Spagnolo to serve as an alternate. The aye vote on the motion was unanimous. Motion carried.

ORGANIZATION OF THE BOARD OF 2010 (Continued)

Motion was made by Mr. Henry and seconded by Mr. Spagnolo to appoint Edward Owen as 2010 Chief Administrative Officer of the Township Non-Uniform Pension Plan with Michael Dennehy to serve as alternate. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Henry and seconded by Mr. Spagnolo to reappoint Edward Holdcroft and Frank Spagnolo as 2010 Supervisor Representatives to Friends of Pine Community Parks. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Owen and seconded by Mr. Spagnolo to establish an Audit Committee. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to appoint Michael Dennehy and Edward Owen to the Audit Committee. The aye vote on the motion was unanimous. Motion carried.

RESOLUTION 814

Motion was made by Mr. Henry and seconded by Mr. Spagnolo to enact Resolution 814, appointing certain persons and/or firms or entities to various Township positions and making certain professional appointments for the Township of Pine and setting the official holidays to be observed by the Township of Pine for calendar year 2010. The aye vote on the motion was unanimous. Motion carried.

Mr. Owen suggested the Township employees be provided the same holidays as Federal employees.

The Board agreed to review the issue when establishing the 2011 Township holidays.

RESOLUTION 815

Motion was made by Mr. Owen and seconded by Mr. Henry to enact Resolution 815, establishing dates, times, and location of the regular meetings of the Board of Supervisors of the Township of Pine for calendar year 2010. The aye vote on the motion was unanimous. Motion carried.

BUSINESS MEETING

CORRESPONDENCE TO BOARD OF SUPERVISORS

Mrs. Fischer reported there was no correspondence other than that included in the meeting information.

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. Holdcroft to approve the minutes of the Business Meeting of December 7, 2009. 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 REPORT - November 2009

Motion was made by Mr. Owen and seconded by Mr. Holdcroft to accept the Financial Report for the month of November 2009 and ratify the payment of bills to those vendors listed thereon. The aye vote on the motion was unanimous. Motion carried.

UNFINISHED BUSINESS

LAKE MACLEOD

Mr. Anderson asked that discussion regarding modifications to the Lake Macleod development be tabled, as the developer was unable to attend that evening.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to table consideration of Lake Macleod modifications. The aye vote on the motion was unanimous. Motion carried.

NEW BUSINESS

THE VILLAGE AT PINE, PHASE 3, RETAIL SUBDIVISION

Mr. Kurpakus explained that Village at Pine, LP is proposing a modification to The Village at Pine, Phase 3 Retail Subdivision. He specified that, currently, only two lots serve the retail portion and the proposed subdivision will create individual lots for the commercial buildings currently constructed and future commercial building lots. He reported that the Planning Commission has recommended approval of the subdivision.

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Mr. Gushard referred to the December 14, 2009 Lennon Smith Souleret Engineering letter of review and, specifically, that Lots 8-5 and 9-3 do not have frontage on a public street. Mr. Gushard advised that the access easements have been provided.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to grant preliminary and final approval of The Village at Pine, Phase 3, Retail Subdivision, pursuant to Sheets 1, 2, and 3, dated November 20, 2009, conditioned upon the December 14, 2009 Lennon Smith Souleret Engineering letter of review. The aye vote on the motion was unanimous. Motion carried.

NEW BUSINESS

RESOLUTION 813

Motion was made by Mr. Owen and seconded by Mr. Spagnolo to enact Resolution 813, setting the 2010 pension contribution for the Northern Regional Police Department. The aye vote on the motion was unanimous. Motion carried.

INDEPENDENT TAX COLLECTION SERVICES

Mrs. Fischer explained that the Agreement for Independent Tax Collection Services with Jordan Tax Service is a renewal of the previous contract and the only change is a rate increase from \$3.00 per bill to \$3.25.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to approve execution of the Agreement for Independent Tax Collection Services. The aye vote on the motion was unanimous. Motion carried.

RESOLUTION 816

Mr. Gushard explained that Resolution 816 will accept Woodside Estates streets "Macintosh Drive" and "Blueberry Trail" as Township roads. He counseled that development roads are maintained as private until the developer requests their acceptance, they are certified by the Township engineer as acceptable, a metes and bounds description is provided, and an 18-month maintenance bond in favor of the Township is delivered.

Mr. Anderson advised that although Lennon Smith Souleret Engineering's review of December 22, 2009 states that Macintosh Drive and Blueberry Trail are in acceptable conditions and the metes and bounds have been provided, the 18-month maintenance bond has not yet been received from the developer.

Ms. Barbara Drotar, 331 Macintosh Drive, stated that she e-mailed the Supervisors and left messages with the staff, but did not receive responses regarding the lack of winter maintenance to

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Macintosh Drive and Blueberry Trail. She stated that the Township should have better provisions to address a situation where the developer does not provide acceptable road maintenance.

Mr. Gushard counseled that the Municipalities Planning Code does not provide the Township with the ability to bond for winter maintenance. He noted that the Township has had very few problems with developer's providing proper winter maintenance prior to the Township's takeover.

Mr. Owen stressed that due to liability, the Township cannot provide winter maintenance until the required bonding is provided.

NEW BUSINESS

RESOLUTION 816 (Continued)

Ms. Drotar asked that the Woodside Estates developer, Frank Zokaites, be contacted the following morning at 8:00 a.m. and be given 24 hours to provide the bond.

The Board requested that Mr. Gushard contact Mr. Zokaites.

Motion was made by Mr. Spagnolo and seconded by Mr. Owen to enact Resolution 816, conditionally accepting the dedication of the public rights-of-way for Macintosh Drive and Blueberry Trail within the Woodside Estates Plan of Lots – Phase II Subdivision Development as part of the public road system of the Township of Pine conditioned upon receipt of an 18-month maintenance bond. The aye vote on the motion was unanimous. Motion carried.

The Board clarified that the Macintosh Drive and Blueberry Trail will not receive Township winter maintenance until the required bond is received.

WEXFORD VOLUNTEER FIRE COMPANY – Ground Lease

Mr. Gushard counseled that a ground lease between the Township of Pine and the Wexford Volunteer Fire Company has been required by the financier for the new fire station, as the Babcock Boulevard Substation was constructed upon Township owned land. He advised that the final version of the lease will be available for action at the January Work Session.

Mr. Dave Buttermore, Wexford Fire Company President, was agreeable to consideration of the document on January 19, 2010, noting that their scheduled closing date is January 28, 2010.

Motion was made by Mr. Holdcroft and seconded by Mr. Owen to table consideration of the Ground Lease until January 19, 2010. The aye vote on the motion was unanimous. Motion carried.

WEXFORD VOLUNTEER FIRE COMPANY – Donation Payment Schedule

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Mrs. Fischer recommended payment of 2010 donations to the Wexford Volunteer Fire Company as follows: January 15 - \$250,000, February 15 - \$250,000, March 15 - \$500,000, April 15 - \$500,000, and May 14 - \$500,000.

Mr. Dave Buttermore, Wexford Volunteer Fire Company, expressed his satisfaction with the proposed payment schedule.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to establish payment of 2010 donations to the Wexford Volunteer Fire Company as follows: January 15 - \$250,000,

NEW BUSINESS

WEXFORD VOLUNTEER FIRE COMPANY – Donation Payment Schedule (Continued)

February 15 - \$250,000, March 15 - \$500,000, April 15 - \$500,000, and May 14 - \$500,000. The aye vote on the motion was unanimous. Motion carried.

Mr. Buttermore reported that bids for the fire station are 5% higher due to the requirement for use of prevailing wages. He surmised that bids will be awarded at their meeting on January 5, 2010 and groundbreaking will occur on March 1, 2010.

ALLEGHENY LEAGUE OF MUNICIPALITIES

Motion was made by Mr. Holdcroft and seconded by Mr. Spagnolo to authorize attendance of the Board of Supervisors at the 37 Annual Allegheny League of Municipalities conference in Seven Springs on April 8 through 11, 2010. The aye vote on the motion was unanimous. Motion carried.

RESOLUTION 817

Mr. Gushard reported that Resolution 817 will accept Village at Pine streets Park Plaza, Garden Court, Garden Way, Village Place, and Park Plaza East, as part of the public road system of the Township. He noted that required bonding has been provided, including that for several outstanding items that are unable to be completed at this time, due to the winter season.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to enact Resolution 817, conditionally accepting the dedication of certain public rights-of-way within Phase 3 of The Village at Pine Planned Residential Development, and to be known as “Park Plaza”, “Garden Court”, “Garden Way”, “Village Place”, and “Park Plaza East”, as parts of the public road system of the Township of Pine. The aye vote on the motion was unanimous. Motion carried.

Mr. Spagnolo commended the Public Works Department for their winter maintenance during recent inclement weather.

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ADJOURNMENT

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 7:35 p.m.

Recording Secretary

Secretary