

## MINUTES OF MEETING OF TOWNSHIP OF PINE BOARD OF SUPERVISORS

Monday, March 15, 2010

Pine Community Center

### EXECUTIVE SESSION – Litigation

Motion was made by Mr. Spagnolo and seconded by Mr. Owen to conduct an Executive Session at 6:00 p.m. for the purpose of discussing litigation. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Spagnolo and seconded by Mr. Owen to terminate the Executive Session at 6:25 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.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

Members in attendance were: Michael J. Dennehy, Chair; Philip D. Henry, Vice-Chair; Edward J. Holdcroft; Edward J. Owen; and Frank J. Spagnolo. 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; 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; and Northern Regional Police Chief T. Robert Amann. Ms. Kim Pierson, Parks and Recreation Commission Chair, and Mrs. Carole Keeley, Northern Tier Library, were present through their reports.

There were approximately 15 visitors present.

### CORRESPONDENCE

There was no additional correspondence.

### PUBLIC COMMENT

#### Bauer Drive Sewer District

Mr. Victor Lisotto, 625 Baur Drive, presented a petition for formation of a Baur Drive sewer district, noting that is represented 82% of the assessed value of properties on Baur Drive. He noted that a portion of those property owners would withdraw their support if their cost would be more than \$20,000.

## PUBLIC COMMENT

### Bauer Drive Sewer District (Continued)

Mrs. Fischer advised Mr. Lisotto that the Township will authorize the Township Engineer to provide preliminary engineering and estimated costs.

## COMMITTEES

### Parks and Recreation Commission

Ms. Patsko reported that the Parks and Recreation Commission will be conducting the annual Easter Egg Hunt on Saturday, March 27, 2010.

Ms. Pierson distributed copies of the Parks and Recreation Commission's proposed donation schedule for the Pine Community Center and Park, in coordination with the previously approved naming rights policy.

Motion was made by Mr. Owen and seconded by Mr. Henry to approve the Donation Schedule for Pine Community Center and Park. The aye vote on the motion was unanimous. Motion carried.

## INTERGOVERNMENTAL AGENCIES

### Northern Tier Regional Library

Ms. Keeley reported that January circulation was 24,828 items, 3,000 more than January 2009. She added that 74 borrowers were registered and 829 items were added to the collection. Mrs. Keeley then provided information on current and upcoming library programs.

### North Hills COG

Mr. Spagnolo reported that items addressed at the North Hills COG meeting were bidding for salt and Countywide earned income tax collection.

Mrs. Fischer advised that the Allegheny North Tax Collectors Committee (ANTCC) Board of Delegates will be meeting on March 16, 2010 to discuss bylaws and form a committee to elect officers.

Mr. Dennehy questioned current Township costs to collect earned income tax.

Mrs. Fischer stated she did not have that information on hand. She advised of the availability of a 50/50 grant for \$5,000 for the start-up costs of the ANTCC.

INTERGOVERNMENTAL AGENCIES

North Hills COG (Continued)

Mr. Owen recalled that the committee will be assessing each municipality a fee, based on the weighted vote percentage of each taxing district to provide for seed money of \$25,000.

Pine-Richland School District

Mr. Henry reported that School District Superintendent Mary Bucci is anxious to receive all the approvals necessary to begin construction of the proposed high school addition.

Mr. Avolio advised that other than traffic issues, only minor issues remain.

PUBLIC SAFETY

Joint Police Board

Chief Amann highlighted the February 2010 Northern Regional Police report, noting that Pine received more calls than Richland. He then requested authorization for the Wexford Volunteer Fire Company to assist the police department with DUI checkpoints throughout 2010.

Motion was made by Mr. Holdcroft and seconded by Mr. Spagnolo to authorize the Wexford Volunteer Fire Company to assist the Northern Regional Police Department at DUI checkpoints in 2010. The aye vote on the motion was unanimous. Motion carried.

Wexford Volunteer Fire Company

Mr. Voll reported that the Fire Company responded to 26 calls in February. He commended the police department for their observation, and subsequent reporting, of a fire at Billco Motors which was caused by ice damaging a natural gas line. Mr. Voll noted that several other calls in February resulted as a result of weather issues. Mr. Voll then reported that the new fire station foundation has been partially dug and the sanitary sewer line has been laid.

Fire Marshal

Mr. Dennehy acknowledged the Fire Marshal's February 2010 report.

REPORT OF THE SOLICITOR

Mr. Gushard reported that the Zoning Hearing Board will be conducting a Hearing on March 17, 2010, to address a Code Enforcement Notice for a pavilion constructed behind Pine Center, without a permit and off their property. Mr. Gushard added that Allied Waste had filed an appeal to the Court of Common Pleas, for collection of waste outside of permitted times. However, they opted to pay the fine and address the issue.

COMMUNITY DEVELOPMENT UPDATE

*Developments before the Planning Commission*

Pine Richland School District

Mr. Kurpakus reported that the Pine-Richland School District's proposal for an 117,000 square foot addition to the High School was tabled to permit the applicant to make minor revisions to the plan and to address their traffic issues.

Silver Pine Subdivision

Mr. Kurpakus reported that the Planning Commission recommended preliminary approval of the 12 lot Silver Pine Subdivision and approval of three of the four requested waivers. He explained that the applicant's unsupported waiver is for a reduction of the EAC's recommended tree mitigation for 686 trees.

Mr. Avolio explained that he felt it would be impossible to plant, onsite, the number of trees recommended by the Environmental Advisory Council, although the Planning Commission did not wish to override their recommendation.

Mr. Mike Wetzel, Victor-Wetzel Associates, was questioned on the anticipated price for the lots and advised the lots will sell for \$250,000.

Mr. Owen questioned why the Planning Commission felt sidewalk is necessary on only one side of the development and Mr. Avolio explained that there are only 12 lots in the plan and sidewalk on only one side seemed more appropriate for the estate-size lots.

Mr. Don Graham, legal counsel for the applicant, outlined the four requested waivers. He felt the Township Code requirement of a minimum of 300 feet road frontage for each lot actually causes the need to remove more trees from the completely wooded site. He noted that their architect met with the EAC twice, in an attempt to reach an agreement on tree mitigation.

Mr. Anderson suggested that on-site mitigation, a combination of on-site/off-site mitigation, or a fee "in-lieu-of" could address the issue.

Mr. Avolio suggested that staff resolve the issue with the developer and present the determination of the appropriate relief to the Board.

Motion was made by Mr. Owen and seconded by Mr. Spagnolo to recommend preliminary approval of the Silver Pine Subdivision pursuant to Cover Sheet and Drawings 3 through 10 dated March 1, 2010 and Drawing 2 dated January 26, 2010, all prepared by Victor-Wetzel Associates with the following conditions: 1) Approval of Waiver 1, that cut and fill slopes may exceed two and one-half to one. 2) Approval of Waiver 2, to allow a single sidewalk on one side of the street, as shown on the plan drawings. 3) Approval of Waiver 3, to eliminate

COMMUNITY DEVELOPMENT UPDATE

Developments before the Planning Commission

Silver Pine Subdivision (Continued)

the required pedestrian sidewalk or trail along Babcock Boulevard, provided that a fee “in-lieu of” is determined with staff at the time of final approval. 4) Specific provisions to address Waiver 4 are to be determined with staff at the time of final approval. 5) Compliance with the Lennon Smith Souleret review letter of March 8, 2010. The aye vote on the motion was unanimous. Motion carried.

North Hills Racquet Club Subdivision

Mr. Kurpakus reported that the North Hills Racquet Club’s proposed subdivision will create the road right-of-way extension across the Oxford Athletic Club property, to serve Phase 5 of The Village of Pine.

Mr. Avolio provided the Planning Commission’s recommendation for preliminary and final approval with the following conditions: 1) Compliance with the engineering review. 2) Recording plan to include a note stating that the Township will not accept Village Club Drive until it is constructed to Township standards.

Mr. Kurpakus noted that the plan has been revised to include that note.

Motion was made by Mr. Spagnolo and seconded by Mr. Owen to grant preliminary and final approval of the North Hills Racquet Club Subdivision, pursuant to Sheet 1 of 1, prepared by Trant Corporation, dated March 9, 2010, with the following condition: 1) Compliance with the February 18, 2010 letter of review of Lennon Smith Souleret Engineering. The aye vote on the motion was unanimous. Motion carried.

Heurich Property Rezoning

Mr. Kurpakus reported that Heurich Construction has submitted an application for rezoning of their 74-acre parcel across Route 910 from the Village of Pine.

Mr. Avolio reported that the plan was tabled by the Planning Commission.

Mr. Gushard reported that West View Water Authority property would be affected, although they have stated they have no objection to the rezoning.

## COMMUNITY DEVELOPMENT UPDATE

### *Developments before the Planning Commission*

#### Euro Academy

Mr. Kurpakus reported that the Planning Commission reviewed a sketch plan for a private school at 210 Pearce Mill Road. He advised that although it is a permitted use, parking will be an issue.

### *Capital Improvement Projects*

#### Route 19 Widening

Mr. Anderson reported meeting with PENNDOT to discuss their Route 19 widening project. He advised that the project is to be "let" by PENNDOT on June 24, 2010, with the McCandless section to be completed in approximately 2011 and the Pine section to be completed in approximately 2012. Mr. Anderson advised that PENNDOT has proposed the use of an adaptive traffic system, at five traffic signals in Pine and three traffic signals in McCandless, which is designed to use "real time" traffic count to automatically adjust the signals for optimal timing. Mr. Anderson explained that the adaptive traffic system would be at PENNDOT's cost, although they are requesting the Township's concurrence. He noted that PENNDOT will revert to a traditional system at their cost, if it becomes necessary.

The Board was agreeable to PENNDOT's offer.

Chief Amann requested that PENNDOT be asked to provide the ability to record camera images at those traffic signals, which Mr. Anderson agreed to request.

## REPORT OF ENGINEER

Mr. Firek referred to the March 10, 2010 report and added that the bid opening for the 2010 road paving project will occur in early May. He also added that MS4 training with the Public Works Department has occurred.

Mr. Henry questioned the schedule for the stormwater drainage repair at the Community Center.

Mr. Firek explained that the new storm drain will be installed at the front of the building to collect subsurface water and trench plugs will be installed along each utility line.

Mr. Spagnolo stressed the need to minimize visual impact.

Mr. Firek explained that the project will be coordinated with the Parks and Recreation Director so as not to impact Community Center activity.

PUBLIC WORKS REPORT

Mr. Fasick had no report, other than his written February 2010 report.

ADMINISTRATIVE MATTERS

MINUTES

Mr. Owen asked that his remark under Mars Road and Warrendale Road on Page 2 of the February 16, 2010 minutes be amended to state "Mr. Owen requested that a letter be sent to Julie Edwards, explaining that the Township does not have jurisdiction of Mars Road and Warrendale Road, but will address the issue with PENNDOT".

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to approve the minutes of the February 16, 2010 Board of Supervisors meeting with the above noted correction. The aye vote on the motion was unanimous. Motion carried.

CITY OVEN (AZZERIA) – Liquor License Transfer

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to open a Public Hearing for the purpose of considering the transfer of a liquor license.

Mr. Mike Hren, Azzeria, advised that they have been operating in The Village of Pine for approximately one year and feel that offering alcohol will enhance their service. He estimated that anticipated revenue from alcohol will be less than 10% of their revenue.

Mr. Gushard questioned their hours of operation and Mr. Hren advised they will close at 11:00 p.m.

Mr. Dennehy opened the meeting 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.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft approve a request for a transfer of a liquor license from Mt. Lebanon to the Township of Pine, 2000 Village Run Road, Suite 201, Wexford. The aye vote on the motion was unanimous. Motion carried.

2010 GASOLINE BID

The bid tabulation for gasoline supply was reviewed, with it noted that Export Fuel was the low bidder for unleaded fuel and Purvis Brothers, Inc. for diesel fuel.

Mr. Fasick noted that the low bidders are the current suppliers.

ADMINISTRATIVE MATTERS

2010 GASOLINE BID (Continued)

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to grant the award for 2010 unleaded gasoline supply and delivery to Export Fuel Co., Inc. at the price of \$2.2464 per gallon (margin price of \$0.0472); for 2010 diesel fuel supply and delivery to Purvis Brothers, Inc. for \$2.291 per gallon (margin price of \$0.09); and for 2010 winter diesel fuel supply and delivery to Purvis Brothers, Inc. for \$2.341 per gallon (margin price of \$0.09). The aye vote on the motion was unanimous. Motion carried.

CLEARWIRE APPLICATIONS

Mr. Kurpakus reported the receipt of a Conditional Use Application from Clearwire Communications, for rooftop antennae at 11279 Perry Highway.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to authorize advertisement for a Conditional Use Hearing for location of a rooftop antennae at 11279 Perry Highway. The aye vote on the motion was unanimous. Motion carried.

2010 ROAD PROGRAM

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to authorize advertisement of the 2010 Road Program. The aye vote on the motion was unanimous. Motion carried.

NESTOR RESOURCES, INC.

Mrs. Fischer explained that Pine and Marshall Townships have received a proposal from Nestor Resources to assist with preparation of bid specifications for residential solid waste and recycling collection. She advised that the Township's portion is not to exceed \$2,450.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to authorize retaining Nestor Resources for assistance with the residential solid waste and recycling collection contract, at a cost not to exceed \$2,450. The aye vote on the motion was unanimous. Motion carried.

MANOR ROAD SIGNAGE

Mrs. Fischer reported that in regard to Representative Mike Turzai's request for traffic slowing signage on Manor Road, Public Works will install such signage.

ADMINISTRATIVE MATTERS

SPRUCE HAVEN WATER DISTRICT

Mr. Spagnolo reported meeting with Mary Vranich, 220 Spruce Haven Drive, regarding her desire for a water district. Mr. Spagnolo asked that Mrs. Fischer provide a written response to Mrs. Vranich, explaining the proper procedure.

COMMUNITY CENTER LOCKER ROOMS

Mr. Anderson reported that the Community Center locker rooms are nearly complete. He noted that the project is at budget and completed 20 days before the stipulated completion date. He commended Mr. Kurpakus's role as project manager.

REVIEW PROPOSED AGENDA FOR MONDAY, APRIL 5, 2010

The Board reviewed the following agenda for the Monday, April 5, 2010 meeting.

Unfinished Business - **None**

*Silver Pine Subdivision* **REMOVED**

*North Hills Racquet Club Subdivision* **REMOVED**

New Business - *None*

ADJOURN

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

The meeting adjourned at 7:50 p.m.

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Recording Secretary

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Township Manager