

MINUTES OF MEETING OF TOWNSHIP OF PINE BOARD OF SUPERVISORS

Monday, May 17, 2010

Pine Community Center

EXECUTIVE SESSION – Litigation

Motion was made by Mr. Spagnolo and seconded by Mr. Henry 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. Henry 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; 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 and Dave Buttermore, Wexford Volunteer Fire Company; and Northern Regional Police Chief T. Robert Amann. Mrs. Carole Keeley, Northern Tier Library, was present through her report. Supervisor Ted Owen attended by telephone.

There were approximately 25 visitors present.

CORRESPONDENCE

There was no additional correspondence.

PUBLIC COMMENT

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

COMMITTEES

Parks and Recreation Commission

Ms. Patsko reported on upcoming events and programs. She also reported that Carlos Suarez was interviewed that evening, by her and Mr. Henry, for the Recreation Sub-Committee.

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COMMITTEES

Parks and Recreation Commission (Continued)

Motion was made by Mr. Henry and seconded by Mr. Holdcroft to appoint Carlos Suarez to the Recreation Sub-Committee for a term to expire December 31, 2010. The aye vote on the motion was unanimous. Motion carried.

INTERGOVERNMENTAL AGENCIES

Northern Tier Regional Library

Ms. Keeley reported that March circulation was 25,143 items, 2190 more than in March of 2009. She added that 64 borrowers were registered and 864 items were added to the collection. Mrs. Keeley then provided information on current and upcoming library programs.

North Hills COG

Mr. Spagnolo had no report on the North Hills Council of Governments.

Mrs. Fischer advised that she had documentation providing for an extension of the North Hills Council of Governments salt contract.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to authorize execution of the salt contract extension for one year, September 1, 2010 to August 31, 2011. The aye vote on the motion was unanimous. Motion carried.

Pine-Richland School District

Mr. Henry reported that School District Superintendant Mary Bucci has expressed her appreciation for the favorable review process for the high school addition. She also informed that a school strike has been avoided and it appears that school real estate taxes will increase, due to the high school project.

PUBLIC SAFETY

Joint Police Board

Chief Amann highlighted the March and April 2010 Northern Regional Police reports.

Wexford Volunteer Fire Company

Mr. Voll reported that the Fire Company responded to 21 calls in April. He highlighted several incidents.

PUBLIC SAFETY

Wexford Volunteer Fire Company (Continued)

Mr. Buttermore reported that a personal trainer is setting up a wellness program for the fire company. He noted there is concern with the costs and the physical requirements.

Mr. Dennehy explained that the goal is to reduce the Township's liability.

Mr. Buttermore stated that the volunteers were advised that the wellness program is voluntary at this time, but will be mandatory next year. He then provided a status report on construction of the new station and advised that they are several weeks ahead of schedule.

Fire Marshal

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

REPORT OF THE SOLICITOR

Mr. Gushard reported on the Zoning Hearing Board hearing, in regard to a code enforcement notice for 11279 Perry Highway, which resulted in a split tie vote. He explained that the Zoning Hearing Board will reconvene on the issue on May 25, 2010. Mr. Gushard also reported his progress in preparing a developer's agreement for the Pine-Richland High School addition and on revising the sign ordinance.

COMMUNITY DEVELOPMENT UPDATE

Administration

Billco Motors

Mr. Kurpakus reported that Billco Motors has requested to install additional signage on the north and south facing walls at 11750 Perry Highway and he has informed them that the wall signs would not be permitted.

Mr. Holdcroft expressed his intent to further explain the denial to Billco Motors.

Developments before the Planning Commission

Heurich Construction

Mr. Kurpakus reported that the Planning Commission completed their review of a request for rezoning, submitted by Heurich Construction. Mr. Kurpakus advised that authorization to advertise the Public Hearing will be requested later in the meeting and the application will be presented to the Board at that time.

COMMUNITY DEVELOPMENT UPDATE

Developments before the Planning Commission

The Village of Pine, Phase V, Final Approval

Mr. Kurpakus reported that the Planning Commission recommended final approval (with conditions) for The Village of Pine, Phase V, for 113 single-family lots at the northeast portion of the parcel. Mr. Kurpakus noted that the plans reflect the Parks and Recreation recommendations. He then outlined the Planning Commission's recommended conditions for approval.

Mr. Gushard counseled that after reviewing Section Z. of the tentative approval, he found the proposed density to be in conformance with its requirements.

Mr. Daniel Gramc, Goehring Rutter Boehm, stated that the developer is willing to accept the conditions of approval, stipulated by the Planning Commission, and although the modification to the wetland buffer may not be needed, it is requested.

Mr. Steve Leonard, 211 Pine Cone Court, remarked that he had several additional conditions that the Oakhaven residents would like the Board to consider. He asked that any trees in the conservation easement area be protected if they will provide a visual buffer. He also asked that the limits of clearing be based on actual elevations. Mr. Leonard then requested that the buffer plantings be comprised of large trees and evergreens and that they meet current buffer yard requirements. He requested that conservation easements be placed in the property deeds. Mr. Leonard also expressed his hope that the Phase V covenants are consistent with the master covenants. He concluded by questioning if control could be placed on lighting of the residences adjacent to the Oakhaven development.

Mr. Kurpakus advised that installation of lampposts, to serve homes, is not regulated by Township Code, although pedestrian lighting is required by Township Code.

Mr. Gramc pointed out that many of Mr. Leonard's issues are already covered in the Planning Commission's conditions for approval. He specified that it more beneficial to provide conservation easement information on the recorded plans rather than on the deeds, and he did not wish to have restrictions on specific trees in the conservation area.

Mr. William Marshall, 119 Oakhaven Drive, disagreed with the Solicitor's opinion on compliance to Section Z of the tentative approval, stating that considering the open space in calculating the density is much more detrimental to the existing homes in the Oakhaven plan. He added that the gradient proposed would permit a greater density than any other development in the Township and he felt the density calculation should be in favor of the current homeowners.

COMMUNITY DEVELOPMENT UPDATE

Developments before the Planning Commission

The Village of Pine, Phase V, Final Approval (Continued)

Mr. Gramc disagreed, pointing out that the town center PRD permits 10 units per acre, when only 1.74 units per acre are proposed. He explained that the Planned Residential Development specifications consider open space in the density calculations.

Mr. Gushard reiterated that Mr. Kurpakus's calculation of density was in accordance with typical density calculations, which he agreed were acceptable.

Mr. Steve Leonard, 211 Pine Cone Court, stated there are multiple methods to calculate density. He asked that the Board choose a manner that will best protect the existing homeowners.

Mr. Dennehy questioned if density was calculated in any other method than is typically used and Mr. Kurpakus replied that it was not.

Mr. Gushard noted that Phase 5 is less dense than contemplated in 1999.

Mr. Gramc noted that the Oakhaven development was taken into consideration during the planning process and, therefore, single-family residences were designated along the Oakhaven boundary, rather than townhouses.

Mrs. Lisa Marshall, 119 Oakhaven Drive, asked that the Board deny granting a variance that would permit grading adjacent to the wetlands. She stated that the wetland park is proposed to consist of two picnic tables and a walkway, and she questioned whether the wetlands will survive. Mrs. Marshall stated that it was the developer's choice to mitigate the wetlands in that location. She advised that she has been in contact with the Pennsylvania Department of Environmental Protection in regard to the mitigation process and to inquire if the necessary reports have been filed, as this may be a cause of concern.

Mr. Spagnolo commended the Planning Commission for their effort in working through the review.

Mr. Gramc advised that all required documentation has been filed with the Pennsylvania Department of Environmental Protection and it was his opinion that all the issues have been appropriately addressed. He stated that the Planning Commission's conditions for approval were acceptable, but he would not be in agreement with Mr. Leonard's recommendations, although he was agreeable to cooperating with staff on the issues, where possible.

Ms. Claire Schwartz, 121 Oakhaven Drive, asked that it be confirmed that there will be no impact to the wetlands.

COMMUNITY DEVELOPMENT UPDATE

Developments before the Planning Commission

The Village of Pine, Phase V, Final Approval (Continued)

Mr. Gramc pointed out that the sidewalk and parking were removed and there was no actual infringement on the wetlands, only the buffer of the wetlands.

Mr. Hansen clarified that the Planning Commission's intent was to permit minimal infringement into the wetland buffer and not the actual wetlands.

Mr. Gramc counseled that although he believes there will be minimal infringement of the wetlands buffer, he would be uncomfortable restricting that infringement to five feet until the area can be reviewed in more detail.

Mr. Leonard requested that the Board's decision be tabled until the amount of infringement is determined.

Mr. Gushard suggested that the encroachment could be stipulated to not exceed a specific amount, without readdressing the issue before the Board of Supervisors or at the discretion of staff.

Mr. Don Trant, Trant Corporation, surmised that at least 40 feet of the wetlands buffer can be maintained in all areas.

Motion was made by Mr. Holdcroft and seconded by Mr. Henry to grant final approval of The Village at Pine, Phase V Planned Residential Development, pursuant to Cover Sheet, Drawings C-101, C-102, C-103, C-104, C-105, Sheet 1 of 6, Sheet 2 of 6, Sheet 3 of 6, Sheet 4 of 6, Sheet 5 of 6, Sheet 6 of 6, C-201, C-202, C-203, C-204, C-205, C-206, C-207, C-208, C-301, C-302, C-303, C-304, C-501, C-502, C-503, C-504, C-501, C-502, C-503, C-504, C-601, C-602, C-603, C-604, C-605, L-101, L-102, L-103, L-104, L-105, and L-106, all dated April 30, 2010; Drawings C-305, C-306, and C-307, all dated April 29, 2010; and Drawings C-801 and C-901, both dated April 7, 2010; all drawn by Trant Corporation, with the following conditions:

- 1) Approval of Modification #2 [78-49C.(1)] to waive the 50-foot "no disturbance" buffer in the area of the stream crossing.
- 2) Approval of Modification #3 [84-125A.(10)] to approve 10-foot private stormwater easements, rather than the Code specified easement minimum of 20-foot.
- 3) Developer is permitted to deviate from Township standards to permit the construction of sidewalk at Village Club Drive and the North Hills Racquet Club parking lot closer to the roadway, due to physical limitations.
- 4) Approval of Modification #4 [84-120A.], to approve the construction of sidewalks on only one side of Umbellous Drive in the area of the wetland naturalization park and the rear of Lot 615/614 at the cul-de-sac.
- 5) Approval of Modification #5 [78-44E.] to approve a reduced K-value at a stop condition on Kestler Lane and Umbellous Drive.
- 6) Approval of a waiver to permit 2 to 1 cut slope at the border of Lots 587, 588, 589, 590, 593, 594, 595, 596, 597, 598, and 599.
- 7) Approval of Modification #2 [78-49C.(2)] to

COMMUNITY DEVELOPMENT UPDATE

Developments before the Planning Commission

The Village of Pine, Phase V, Final Approval (Continued)

permit that the 50 foot “no disturbance” buffer be modified to a 40 foot “no disturbance” buffer in the area of the wetland naturalization park. 8) Compliance with the May 10, 2010 letter of review of Lennon Smith Souleret Engineering; 9) Developer to construct impressed asphalt crosswalks as per Township Code at all road intersections in Phase 5; 10) Developer is to construct a temporary physical barrier along the 40 foot “no disturbance” buffer on the east side of the plan; 11) Developer is to enhance plantings in the designated conservation easement area along the rear of Lots 587 through 599 to the satisfaction of Township staff and include additional evergreen plantings in addition to that shown on the plan; 12) Elevation of homes, building materials, and percentage of brick are subject to Township staff approval and to be consistent with Phases III and IV; 13) Requirements for improvements for the Route 910 intersection are to be constructed as conditioned with the Phase IV approval or bonded before a grading permit is issued for Phase V. Also, the developer’s possession of the required PennDOT Highway Occupancy Permit is to be verified before issuance of occupancy permits for residential units in Phase V; 14) Execution of a developer’s agreement. The aye vote on the motion was unanimous. Motion carried.

REPORT OF ENGINEER

2010 Roadway and Storm Sewer Improvement

Mr. Firek reported that bids were opened that morning for 2010 Roadway and Storm Sewer Improvement and Shields Asphalt Paving was the low bidder at \$1,532,946 for the base bid and all add alternates.

Motion was made by Mr. Henry and seconded by Mr. Holdcroft to award Contract 10-R01: 2010 Roadway and Storm Sewer Improvement, to Shields Asphalt Paving in the amount of \$1,532,946 for the Base Bid and Add Alternates 1 through 8. The aye vote on the motion was unanimous. Motion carried.

Crack Sealing

Mr. Firek reported his receipt of all required documentation from Axtell’s, Inc., the low bidder for road crack sealing.

Motion was made by Holdcroft and seconded by Mr. Henry to award Contract 10-R02: Road Maintenance – Crack Sealing to Axtell’s, Inc., in the amount of \$23,100 for the Base Bid and Alternates 1 and 2. The aye vote on the motion was unanimous. Motion carried.

REPORT OF ENGINEER

MS4

Mr. Firek provided an update on MS4, advising that EPA is now issuing consent orders for non-compliance, but Pine's MS4 permit is in compliance.

PUBLIC WORKS REPORT

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

ADMINISTRATIVE MATTERS

MINUTES

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to approve the minutes of the May 3, 2010 Board of Supervisors meeting. The aye vote on the motion was unanimous. Motion carried.

LAKE MACLEOD

Mr. Anderson reminded that the Lake MacLeod developer issued \$29,700 to the Township for recreational use, in lieu of a providing a neighborhood trail, per a previous Board approval. He explained that the Lake MacLeod residents have requested those funds be given to their homeowners association to provide for recreation in their community. Additionally, modification of a mini-park proposed behind several homes is being requested.

The Lake MacLeod developer, Tim Shipley, requested that the funds, provided to the Township in lieu of the trail, instead be used to relocate the mini-park to the east side of the parcel when Phase III is developed.

Mr. Eric Ravotti, 573 MacLeod Drive, expressed concern in regard to the proposed location of the mini-park, as it is to be located in a desolate area. He suggested that the funds be used to enhance the Phase 3 park and to renovate the existing trail around the lake.

Mr. Holdcroft explained that the Township policy is to require the payment of the fee in lieu of the trail to the Township, and he would not want to set a precedent by returning the funds.

Mr. Ravotti explained that there was a modification for sidewalk change and the residents did not realize the neighborhood trail was eliminated until the plan was completed.

Mr. Steven Shangold, 541 MacLeod Drive, requested that the funds be returned to renovate the trail around the lake.

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ADMINISTRATIVE MATTERS

LAKE MACLEOD (Continued)

Mr. Michael Tucker, 542 MacLeod Drive, also requested that the funds be returned for renovation of the trail. He advised that the homeowners association requests that the funds designated for the Phase 2 park be used for the Phase 1 park.

Mr. Shipley surmised that the residents in Phase 3 would prefer that a park is located near McMillan Way.

Mr. Ravotti stated there are no residents in Phase 3 at this time, and there may not be any in the future.

Mr. Shangold suggested that improvements be made to the existing park for use by older children.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to table consideration of the Lake MacLeod recreation amenities to permit additional investigation and consideration by all parties. The aye vote on the motion was unanimous. Motion carried.

Mr. Shipley was questioned by Mr. Spagnolo in regard to the connection of Oak Park and Lake MacLeod. Mr. Shipley stated he is waiting for information from two contractors.

PURCHASE OF 2011 GM 4WD 5300# GVW TRUCK

Motion was made by Mr. Henry and seconded by Mr. Holdcroft to purchase one 2011 GM 4WD 5300# GVW Pick-up Truck from Baierl Automotive in the amount of \$20,209 with trade-in of the 2000 Jeep Cherokee. The aye vote on the motion was unanimous. Motion carried.

HEURICH REZONING REQUEST

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to authorize advertisement for a Public Hearing to consider the Heurich Rezoning request. The aye vote on the motion was unanimous. Motion carried.

WIND TURBINE

Mr. Holdcroft expressed his opinion that it is not feasible to expend additional funds for a wind study, as it is apparent there is insufficient wind for operation of the wind turbine. He suggested the Township consider sale of the wind turbine, to which Mr. Henry agreed.

Motion was made by Mr. Holdcroft and seconded by Mr. Henry to not pursue a wind study. The aye vote on the motion was unanimous. Motion carried.

ADMINISTRATIVE MATTERS

WIND TURBINE

Mr. Gushard reminded that grant money was used to purchase the wind turbine.

Mr. Kurpakus reported that the Pennsylvania DEP has stated that the grant is closed and the Township has ownership. They did request that the Township submit their written intention.

The Board members asked that Mr. Kurpakus fulfill that requirement. They authorized that staff investigate the sale of the wind turbine.

ENERGY AUDIT

Ms. Patsko reported meeting with Penn Power in regard to energy consumption at the Community Center, who advised that the energy use is actually lower than what was expected. Ms. Patsko reminded that energy consumption was greatly considered in design of the building.

REVIEW PROPOSED AGENDA FOR MONDAY, JUNE 7, 2010

The Board reviewed the following agenda for the Monday, June 7, 2010 meeting.

Unfinished Business

The Village of Pine, Phase V, Final Approval **REMOVED**

Lake MacLeod, Recreation Modifications **ADDED**

New Business - None

ADJOURN

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

The meeting adjourned at 8:30 p.m.

Recording Secretary

Township Manager