

MINUTES OF MEETING OF TOWNSHIP OF PINE BOARD OF SUPERVISORS

Monday, October 4, 2010

Township of Pine Community Center

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; and Scott D. Anderson, Assistant Manager.

EXECUTIVE SESSION – Personnel

Motion was made by Mr. Spagnolo and seconded by Mr. Owen to conduct an Executive Session at 5:50 p.m. for the purpose of discussing personnel. 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 6:30 p.m. The aye vote on the motion was unanimous. Motion carried.

REGULAR MEETING

This meeting of the Township of Pine Board of Supervisors was called to order at 6:32 p.m. by Michael J. Dennehy, Chair of the Board of Supervisors.

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 J. Gushard, Solicitor; Cheryl N. Fischer, Township Manager; Scott D. Anderson, Assistant Manager; Jack Fasick, Director of Public Works; and Larry Kurpakus, Director of Code Administration and Land Development.

There were approximately 35 visitors present.

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 personnel.

PLEDGE OF ALLEGIANCE

CORRESPONDENCE TO BOARD OF SUPERVISORS

Mrs. Fischer reported 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. Holdcroft and seconded by Mr. Spagnolo to approve the minutes of the September 20, 2010 Board of Supervisors meeting. The aye vote on the motion was unanimous. Motion carried.

UNFINISHED BUSINESS

Seibert Subdivision

Mr. Kurpakus reported that Charles Seibert is the property owner of 1649 and 1651 Old State Road, with both houses on one parcel and accessed by a driveway easement across an adjacent property. He explained that the property is currently non-conforming as it has no street frontage to a publicly dedicated road and the proposed subdivision will create a new private drive with access to Old State Road. Mr. Kurpakus advised that the Zoning Hearing Board has granted a needed front yard variance and the Planning Commission has recommended preliminary and final approval.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to grant preliminary and final approval of the Seibert Subdivision, pursuant to Drawing SP-1, prepared by Pedersen & Pedersen, and dated August 17, 2010, with the following conditions: 1) Compliance with the September 7, 2010 review of Lennon Smith Souleret Engineering. 2) Subject to receipt of the written Zoning Hearing Board approval for front building line setback variance for Lot 2. The aye vote on the motion was unanimous. Motion carried.

Baur Drive Sewer District

Mr. Victor Lisotto, 625 Baur Drive, stated that he has spoken with the English Farms developer, George Saad, and he has expressed his willingness to meet with the Baur Drive residents to discuss an option of a private capital project for sanitary sewer. He asked that the Board delay making a decision that evening so as to provide an opportunity for the residents to meet.

Mr. Gushard advised that although the Board has reviewed written correspondence from the Baur Drive residents, the establishment of a sewer district required consideration and the Board's consensus to enact both a resolution and an ordinance.

Mr. Owen questioned how residents who cannot afford the project can be protected.

Mr. Dennehy asked for a show of hands indicating a negative view of a sewer district and only one, Pam Koryak at 661 Baur Drive, expressed that sentiment.

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Mr. Lisotto noted that a private capital project required 100% support.

UNFINISHED BUSINESS

Baur Drive Sewer District (Continued)

Mr. Keith Robinson, 655 Baur Drive, suggested that the Baur Drive residents discuss the issue among themselves that evening, as the majority were present.

Mr. Lisotto pointed out that the presence of property owner Steve Ceurvorst and Richland Properties George Saad was necessary.

Mr. Dennehy suggested that the residents meet and then provide the outcome to the Board.

Mr. Owen questioned the anticipated timing for the English Estates development, as that would provide a closer connection to sanitary sewer.

Mr. Lisotto advised that Mr. Saad has estimated that it may be five years before the development of English Estates is commenced.

Mr. Owen remarked that the Board must consider both the residents who need sanitary sewer and those who do not and cannot afford it. He defended Mr. Lisotto who had been accused of not being truthful in correspondence distributed to the Baur Drive residents. He clarified that the residents could change their position on the sewer district at any point prior to the Board's final vote.

Mrs. Koryak referred to the Code and expressed her interpretation that a positive vote of 51% of the assessed value of Baur Drive properties would authorize the Board to establish a sewer district.

Mr. Dennehy clarified that the Code gives the Board discretion on the issue, regardless of the percentage.

Mrs. Koryak pointed out that the Allegheny County Health Department requires connection to a sanitary sewer if it within 250 feet of a property.

Mr. Lisotto questioned what would happen if the project was bid and the actual costs are high.

Mr. Gushard counseled that the Board could decide whether to proceed or cancel the project due to the actual costs.

Mr. Lisotto questioned if the Township could assist them with a private capital project.

Mr. George Saad, Richland Properties, entered the meeting at this time.

UNFINISHED BUSINESS

Baur Drive Sewer District (Continued)

Mr. Anderson advised that they could, but the costs would be assessed to the property owners once the process begins.

Mr. Keith Robinson, 655 Baur Drive, asked for an estimate for their costs and Mr. Owen replied there are too many variables to provide an estimate at this time.

Mrs. Koryak presented her estimate that each property's cost would be \$28,000 plus environmental impact statements and surveys, there would be a \$5,123 charge of the McCandless Township Sanitary Authority, and a lateral line cost would be between \$5,000 and \$10,000. She asked that the Board assure that residents would not be required to tie in. Mrs. Koryak expressed her opinion that only one Baur Drive property had problems with their septic system.

Mrs. Linda Dresmich, 643 Baur Drive, advised that they have attempted to get a single line to their property and the Koryak's would not sign a needed right-of-way. She added her belief that they are not the only Baur Road residents who have a malfunctioning septic system.

Mr. Tom McMillen, representing his mother Marian McMillen at 638 Baur Drive, expressed his opinion that other properties should not be impacted because one property owner won't sign a right-of-way.

Mr. Gushard counseled that both the Township and the sanitary authority have the ability to condemn property for a right-of-way for the sewer line.

Mr. McMillen expressed his opinion that the problem septic system can be resolved without putting others in financial hardship. He stated that the property owners who bought the problem property knew they didn't have public sewer and water and were on a private road before the property was purchased. He asked that the Board not support a sewer district.

Mr. Joseph Dresmich, 643 Baur Drive, expressed their dire need to resolve their septic system malfunctioning. He detailed their seven-year attempt to resolve the issue.

Mrs. Dresmich noted that the Pennsylvania Department of Environmental Resources and the United State Environmental Protection Agency have both stated that there are no alternate solutions other than a holding tank, which she calculated would require continual pumping and cost \$70,000 per year, or public sewer. She advised that a North Park Manor manhole would be the most direct connection to sanitary sewer or secondly, through English Farms.

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Mr. George Saad, Richland Properties, expressed his sympathy for the Baur Road residents, both those experiencing septic issues and those who were not in favor of public sewer. Mr. Saad reported that the Dresmich's approached him when English Farms was developed and

UNFINISHED BUSINESS

Baur Drive Sewer District (Continued)

he provided them with an opportunity to connect to the English Farms sanitary sewer for less than \$15,000. He noted that it would be cheaper for him to connect to the North Park Manor system, rather than joining a sewer district. Mr. Saad stated his attorney investigated a private sewer line and found that 100% consensus was need. He noted that several Baur Drive residents refused to sign a road right-of-way. He had then looked at connecting to the North Park Manor system and, again, several property owners refused to sign. Mr. Saad agreed that there are road conditions and septic system issues on Baur Road that need resolved. He stated that if people on the north side of Baur Drive will sign a public right-of-way, he would change his vote; thereby negating the sewer district request.

Mrs. Koryak stated she had no objection to the Dresmichs connecting to the English Farms sanitary line, as that would not affect her. She explained that she had not signed the right-of-way agreement, as the attached drawing was not accurate.

Mr. Gushard counseled that the 100% consensus was not required by the State, but may be under terms of a private covenant, an issue he had not researched.

Motion was made by Mr. Spagnolo and seconded by Mr. Owen to table consideration of a Baur Drive sewer district. The aye vote on the motion was unanimous. Motion carried.

NEW BUSINESS - None

EXECUTIVE SESSION – Personnel

Motion was made by Mr. Spagnolo and seconded by Mr. Owen to conduct an Executive Session at 7:30 p.m. for the purpose of discussing personnel matters. 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 8:30 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 personnel matters.

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ADJOURNMENT

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

The meeting adjourned at 8:30 p.m.

Recording Secretary

Secretary