

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

Monday, December 6, 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; Scott D. Anderson, Assistant Manager; Larry Kurpakus, Director of Code Enforcement; and Pat Avolio, Planning Commission Chair.

There were four visitors present.

### 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. Owen and seconded by Mr. Spagnolo to approve the minutes of the November 15, 2010 Board of Supervisors meeting. The aye vote on the motion was unanimous. Motion carried.

### FINANCIAL STATEMENT

Motion was made by Mr. Henry and seconded by Mr. Holdcroft to accept the October 2010 Financial Statement and the payment of bills thereon. The aye vote on the motion was unanimous. Motion carried.

### UNFINISHED BUSINESS

#### Euro Academy

Motion was made by Mr. Owen and seconded by Mr. Holdcroft to open a Conditional Use Hearing on the Euro Academy at 210 Pearce Mill Road. The aye vote on the motion was unanimous. Motion carried.

Mr. Kurpakus reported that the private pre-elementary school is proposed at 210 Pearce Mill Road and the majority of requested waivers are due to existing conditions. Mr. Kurpakus reported that

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the submittal has been favorably reviewed by the Township engineer and traffic engineer and the Planning Commission recommended approval of the conditional use, requested

UNFINISHED BUSINESS

Euro Academy (Continued)

waiver, and land development, with conditions. He added that the PennDOT Highway Occupancy Permit will also address traffic concerns.

Mr. Avolio explained that the Planning Commission's conditions of approval addressed their concerns with traffic safety.

Mr. Dennehy noted the number of conditions listed with the Planning Commission's recommended approval and questioned if the applicant felt compliance was possible.

Mr. Brian Putos, Euro Academy, expressed his intent to comply with those conditions.

Mr. Owen remarked on the minimal number of parking spaces.

Mr. Putos explained that the indicated parking is for faculty and monitors will transfer the children from the vehicles to the building and back, to reduce the number of needed parking spaces.

Mr. Kurpakus noted that the drop off/pick-up plan indicates staggered class time and student transfer that will be highly controlled. He added that the Highway Occupancy Permit will require signage along Pearce Mill Road to prohibit on-street parking.

Mr. Gushard noted that one of the Planning Commission conditions was that the Township would retain authority to require corrections if stacking onto Pearce Mill Road is observed. He questioned what those options may be.

Mr. Kurpakus surmised that additional staggering of class times or reducing the class size may be options. He pointed out that requiring additional parking would reduce landscape or buffer.

Mr. Henry added his concern with traffic safety.

Mr. Kurpakus noted that PennDOT's issuance of a Highway Occupancy Permit will assure adequate sight distance, to which Dub Reinhardt, Trant Corporation, agreed.

Mr. Spagnolo reminded that the Northern Regional Police Department will ultimately be the responsible party for enforcing ingress and egress conditions.

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Mr. Gushard suggested that the developer's agreement could limit the number of students to the 45 listed on the application.

UNFINISHED BUSINESS

Euro Academy (Continued)

Mr. Putos agreed to limit the facility to 45 students and five faculty.

Mr. Avolio pointed out that the two parking spaces along Pearce Mill Road were provided to address the stacking and extra parking spaces not used by faculty could also be used for student drop-off and pick-up.

Mr. Gushard counseled that Conditional Use Approval and approval of the waivers must be in written form and he would prepare both for approval at a subsequent meeting, if that is the Board's intent.

Motion was made by Mr. Henry and seconded by Mr. Owen to close the Conditional Use Hearing for the Euro Academy at 210 Pearce Mill Road. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to approve Conditional Use for the Euro Academy at 210 Pearce Mill Road and waivers, subject to document execution at an upcoming meeting. The aye vote on the motion was unanimous. Motion carried.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to grant preliminary and final approval of the Euro Academy at 210 Pearce Mill Road, pursuant to Drawings C-101, C601, C602, and C603, all drawn August 20, 2010, and Cover Sheet and Drawings C-102, C301, L101, and C801, all drawn August 20, 2010 and revised October 4, 2010, and with the following conditions: 1) Receipt of a PennDOT Highway Occupancy Permit. 2) A payment in lieu of construction is to be provided for the streetwalk along Pearce Mill Road. 3) Compliance with the October 29, 2010 Lennon Smith Souleret Engineering letter of review. 4) Developer to re-evaluate dumpster location and staff is to determine that sight triangle is adequate for truck access. 5) All conditions of Conditional Use. The aye vote on the motion was unanimous. Motion carried.

NEW BUSINESS

RESOLUTION 829

Mr. Gushard explained that Resolution 829 will accept Nicolas Drive (previously Wallace Road Extension) as part of the Township road system.

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Mr. Kurpakus advised that staff and the Township Engineer have reviewed the submission and maintenance security and traffic signal improvements have been bonded.

NEW BUSINESS

RESOLUTION 829 (Continued)

Motion was made by Mr. Henry and seconded by Mr. Holdcroft to enact Resolution 829, conditionally accepting the dedication of the public right-of-way formerly described as Wallace Road Extension and now to be known as "Nicolas Drive" as part of the public road system of the Township of Pine. The aye vote on the motion was unanimous. Motion carried.

RESOLUTION 830

Motion was made by Mr. Owen and seconded by Mr. Spagnolo to enact Resolution 830, fixing the real estate tax rate at 1.2 mills for the year 2011. The aye vote on the motion was unanimous. Motion carried.

RESOLUTION 831

Motion was made by Mr. Holdcroft and seconded by Mr. Henry to enact Resolution 831, appropriating specific sums estimated to be required for the specific purposes of the municipal government during the year 2011. The aye vote on the motion was unanimous. Motion carried.

RESOLUTION 832

Motion was made by Mr. Henry and seconded by Mr. Spagnolo to enact Resolution 832, establishing the officer contribution at 5% of gross pay to a retirement plan for certain of its employees known as the Northern Regional Police Pension Plan (the "Plan") which was adopted pursuant to Act 600. The aye vote on the motion was unanimous. Motion carried.

THE VILLAGE AT PINE, BUILDING 409

Mr. Kurpakus reported that Ryan Homes has submitted a modification of the individual lot lines for Building 409 within The Village at Pine. He explained that the modification will align the lot lines with the constructed foundations walls of the townhomes and no additional lots or modifications are proposed. Mr. Kurpakus advised that a review by the Planning Commission was not necessary, due to the simplicity of the proposed modification. He concluded that the Township engineer reviewed the recording mylar and found only minor outstanding items to be addressed prior to recording.

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Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to grant preliminary and final approval to The Village at Pine, Building 409 Revised Subdivision Plan, dated November 2, 2010 and prepared by Sperdute Land Surveying, with the condition of compliance with items identified in the November 30, 2010 review of Lennon Smith Souleret Engineering. The aye vote on the motion was unanimous. Motion carried.

NEW BUSINESS

ALDI ROADWAY IMPROVEMENTS

Mr. Kurpakus explained that Aldi has submitted an Indemnity Agreement for Application for Highway Occupancy Permit Concerning Subsurface Stormwater Facilities, for Township execution. He explained that a new PennDOT requirement necessitates that any application for a Highway Occupancy Permit for subsurface stormwater management be submitted by the host municipality. He noted that permit will include a condition that the drainage will be the primary responsibility of the municipality and that the private co-applicant (Aldi's) is responsible for funding to the municipality to offset future maintenance costs. Mr. Kurpakus noted that the document is agreeable to ALDI and the entire area is within the PennDOT right-of-way.

Mr. Gushard explained that the Indemnity Agreement will protect the Township as financial security will be posted and it will be subject to the Township engineer's review.

Motion was made by Mr. Henry and seconded by Mr. Spagnolo to authorize the Chair to sign and Indemnity Agreement and Application for Highway Occupancy Permit for Road Improvements and Subsurface Stormwater Facilities for Aldi, Inc. The aye vote on the motion was unanimous. Motion carried.

RT 910/NORTH CHAPEL DRIVE TRAFFIC SIGNAL

Mr. Gushard explained that the Township, The Village at Pine, LLC, and Aldi are willing to jointly and cooperatively undertake the completion of the Route 910/North Chapel Drive traffic signal and the proposed agreement specifies the obligations. He noted that Aldi has required that the signal be operable before they open and this will also benefit the soon to be completed fire station.

Motion was made by Mr. Holdcroft and seconded by Mr. Spagnolo to authorize the Township Manager to sign an agreement with Village of Pine, LLC and Aldi, Inc. to jointly undertake the completion of installation of a traffic signal and other associated improvements at the intersection of State Route 910 and North Chapel Drive. The aye vote on the motion was unanimous. Motion carried.

ALDI QUIT CLAIM DEED

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Mr. Gushard explained that Walgreen's had transferred right-of-way to the Township for construction of the road improvements and the Township is now deeding this property to Aldi.

Motion was made by Mr. Holdcroft and seconded by Mr. Henry to authorize the Township Manager to sign a Quit Claim Deed with Aldi, in association with the Win-Wexford subdivision. The aye vote on the motion was unanimous. Motion carried.

NEW BUSINESS

PENNDOT WEXFORD FLATS PROJECT

Mr. Anderson reported that PennDOT has scheduled a meeting at 10:00 a.m. on December 8, 2010 to review the proposed construction schedule for the Wexford Flats construction project, now that the contract has been awarded.

Mr. Holdcroft, Mr. Spagnolo, and Mr. Henry expressed their intent to attend the meeting.

10850 PERRY HIGHWAY

Mr. Kurpakus reported that the Murray Agency has submitted an application for a sign variance for their building at 10850 Perry Highway. He specified that the intent is simply to relocate the existing sign closer to the building due to PennDOT's impending Route 19 widening project. Mr. Kurpakus explained that this will require approval by the Zoning Hearing Board, as it will no longer meet sign ordinance provisions.

Mr. Gushard pointed out that their claimed hardship will be that PennDOT is forcing the relocation.

Mr. Holdcroft surmised that many businesses on Route 19 will soon have the same issue.

The Board agreed they would remain neutral to the application to the Zoning Hearing Board.

PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP SUPERVISORS

Motion was made by Mr. Holdcroft and seconded by Mr. Spagnolo to authorize Board attendance at the PSATS Convention April 17 through 20, 2010. The aye vote on the motion was unanimous. Motion carried.

ALLEGHENY COUNTY BOROUGH ASSOCIATION

Motion was made by Mr. Owen and seconded by Mr. Spagnolo to authorize Board attendance at the Allegheny County Boroughs Association Banquet on February 5, 2011. The aye vote on the motion was unanimous. Motion carried.

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ALLEGHENY LEAGUE OF MUNICIPALITIES

Motion was made by Mr. Henry and seconded by Mr. Owen to authorize Board attendance at the Allegheny League of Municipalities Bi-Annual Legislative Reception on January 13, 2011. The aye vote on the motion was unanimous. Motion carried.

DECEMBER WORK SESSION

Motion was made by Mr. Spagnolo and seconded by Mr. Dennehy to cancel the December 21, 2010 Board of Supervisors meeting. The aye vote on the motion was unanimous. Motion carried.

ADJOURNMENT

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

The meeting adjourned at 7:30 p.m.

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Recording Secretary

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Secretary