MINUTES OF MEETING OF TOWNSHIP OF PINE BOARD OF SUPERVISORS

Monday, May 2, 2016 Pine Community Center

EXECUTIVE SESSION

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 personnel & real estate matters. The aye vote on the motion was unanimous. Motion carried.

Board members in attendance were: Michael J. Dennehy, Chair; Phil Henry, Vice Chair; Ed Holdcroft, and Frank J. Spagnolo. Also in attendance were: Gary J. Gushard, Solicitor; Scott Anderson, Township Manager; and Amy Pampiks, Administrative Operations and Human Resources Manager.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to terminate the Executive Session at 6:25 p.m. The aye vote on the motion was unanimous. Motion carried.

REGULAR MEETING

ROLL CALL

The Township of Pine Board of Supervisors' meeting was called to order by Chairman Michael J. Dennehy at 6:30 p.m.

Board members in attendance were: Michael J. Dennehy, Chair; Phil Henry, Vice Chair, Ed Holdcroft, and Frank J. Spagnolo. Also in attendance were: Gary J. Gushard, Solicitor; Scott D. Anderson, Township Manager; Amy Pampiks, Administrative Operations and Human Resources Manager; Larry Kurpakus, Director of Land Development and Code Enforcement; and Joni Patsko, Director of Parks and Recreation.

There were 58 visitor present.

Mr. Dennehy questioned Mr. Gushard if the prior Executive Session met the guidelines of the Sunshine Act. Mr. Gushard responded affirmatively, as the discussion related to personnel & real estate matters.

PLEDGE OF ALLEGIANCE

CORRESPONDENCE TO BOARD OF SUPERVISORS

Mr. Anderson stated 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 April 4, 2016 Board of Supervisors meeting. The aye vote on the motion was unanimous. Motion carried.

UNFINISHED BUSINESS

VILLAGE AT PINE PUBLIC HEARING CONTINUATION

Mr. Gushard, Solicitor for the Township, stated that this is a continuation from the April 4, 2016 Board meeting of the Public Hearing for the Village at Pine PRD Plan of Lots Amendment No. 1-Phase VI. Mr. Gushard stated that comments from the last meeting are on record and only new information should be submitted. The following correspondences and documents were received since the last meeting: April 27, 2016 proposal from the "Coalition of Homeowners Bordering the Village at Pine Phase VI Expansion", April 28, 2016 letter from the developer of Village at Pine Phase VI, April 29, 2016 HRG traffic review, as well as letters from individual homeowners. The record will include these submissions and all comments made tonight.

Mr. Gushard acknowledged that Heidi Hawk, a court stenographer, is present to record the Public Hearing continuation. There will be a verbatim transcript for the Village at Pine Phase VI portion of the meeting. Mr. Gushard requested that the audience conduct themselves in an orderly fashion and anyone wishing to speak is asked to give their name and address before stating their comments.

Mr. Gushard stated that if the hearing closes tonight submission of information will be accepted for a period of time and the Board will have 60 days from closure to render a decision.

Mr. Gramc conveyed that the applicant acknowledges that certain improvements from previous phases have not been completed. Mr. Gramc said he would like to make it clear that Mr. Gigliotti is not late in completing the amenities and that certain items will be completed prior to the developer's request for a Grading permit for Phase VI.

Mr. Gramc explained that the Phase V parks and recreation areas, construction of the sidewalk adjacent to S.R. 910, enhanced plantings along the western property line where Phase VI abuts Phase V and along the eastern property line where Phase V-C abuts the Oakhaven Plan will be completed prior to the developer's request for a Building permit.

Mr. Gushard stated that he wanted it on record that a loop street is not a cul-de-sac.

Mr. Gramc asserted that some of the buffer materials may need repositioned. The developer will work with Township staff to relocate the plantings at the end of the Phase V loop street and continue through the buffer area, including the 40' buffer with extra landscape plantings along Kessler Drive. Mr. Gramc added that he did not recall from the last meeting that a new traffic report would be included for the meeting tonight but is pleased to see that the results support the developer's report clarifying that there is no need for a traffic light at the intersection of Village Club Drive and Route 910 and there are no speeding issues.

Mr. Gushard informed that the traffic report and letter will be available at the Township Municipal building for viewing.

Steve Leonard of 211 Pine Cone Court, the representative for the Coalition of Homeowners Bordering the Village at Pine Phase VI Expansion, stated that after leaving the April 4, 2016 meeting he had no intention of submitting further concerns until he met with the coalition where many new issues were voiced. Mr. Leonard stated that approximately five (5) homeowners will speak and then he will give a brief conclusion.

Tracie Began of 210 Pine Cone Court stated that she is concerned over steep slopes behind her property. Ms. Began stated that she has children ages 9, 7, & 5 and is concerned for their safety.

Jodi Vasalani of 104 Kestler Drive stated that she has steep slopes behind her property that landscapers have refused to work on or they charge a greater fee to manually maintain it. Ms. Vasalani questioned that if 40 plus homes are added having 2:1 slopes how will that be maintained to keep it looking nice.

Beth Leonard of 211 Pine Cone Court is concerned that there are no dates attached to the milestones the developer has addressed. Since 2014 we have been waiting for trees and enhanced planting buffers to be added. The people need this for their privacy.

Greg Brown of 110 Hill Road stated that on April 22, 2016 he submitted correspondence outlining his concerns via email to Scott Anderson. Mr. Brown stated that he and his wife live on 14 acres that abuts the proposed Phase VI plan and he wants to reinforce concerns from that letter. Greg Brown stated that he attended 2-3 Planning Commission meetings concerning the Village at Pine Phase VI and learned that there will be a dramatic change in topography. Simply adding a few short trees does not make up for the large pines that are there now.

Mr. Brown noted that another concern he has is the well on his property, which is the only source of fresh water. The well sits approximately 300' from the 2:1 grading the developer has proposed. He continued that the PRD Tentative Approval from 1999 states that the developer shall protect wells and/or springs of any property owner(s) within 600 ft. of construction activity. He is requesting that the well on his property is tested before, during, and after construction.

Mr. Brown stated that the proposed stub road will end at his property line and he believes this will invite kids to play there, which opens the door to trespassing on his property. He is requesting a 40' undisturbed fringe buffer along the edge of the proposed Phase VI plan, keeping in line with the 40' undisturbed buffer along the eastern edge of Phase V-C that was afforded to the Oakhaven residents. Extending the buffer will make a better transition between properties. Greg Brown added that he has an aerial photo of his property that he will submit to the Board for review.

Seth Lange of 145 Mohawk Lane stated that his property abuts 110 Hill Road (Greg Browns property). He stated that his well is 330 ft. from the Phase V property line and asked why he was never contacted about the developer's responsibility to protect the wells of any property owners within 600 feet of construction activity. Mr. Lang noted that his well has never been tested and that this would apply to all of Mohawk Drive.

Anthony Perry of 223 Eddie Lewis Drive expressed his concern for vehicular safety. Mr. Perry stated that he previously lived on Village Club Drive and was a police officer for years. Mr. Perry stated that he believes that Village Club Drive and Fairgate Drive are not built to handle the traffic that comes through. Mr. Perry asked the Board to consider the impact that additional homes and subsequently more cars will have on the traffic.

Steve Leonard pointed out that Seth Lang's (145 Mohawk Lane) well is only 150 ft. from the proposed Phase VI property line. Mr. Leonard also articulated that there is still need to address the recreational amenities, the large plateau behind the western edge of Village Club Drive, and the road that backs to Rosecliff Drive needs repaired.

Mr. Leonard submitted pictures to the Board for them to reference while he provided his conclusion. Mr. Leonard first thanked the Board for looking at and considering all of the coalition's submissions. He went on to explain that Phase VI is a harsh design where the presence of steep slopes close to a homeowner is not the exception but in his opinion is the entire basis of the design. It is so harsh that the developer has to bring in a large amount of fill to construct it. Steve Leonard stated that in the pictures before the Board are the large piles of fill that was removed from Phase V-C. Mr. Leonard stated he believes that the Phase V-C plan submitted in 2010 was specifically designed to generate enough fill to implement Phase VI.

Mr. Leonard stated that the developer did not even own this property until 2014 and the unnecessary grading generated 55,000 tons of fill for a mound that did not have to be there. Mr. Leonard stated that he believes the developer had a plan for Phase V-C without steep slopes. Mr. Leonard commented that if this information is a surprise to the Board he respectfully asks that they closely review it. Mr. Leonard concluded that he attended the May 17, 2010 meeting when the Board approved the Village at Pine, Phase V and he firmly believes that the Board had the resident's best interest in mind that never included a phase VI.

Paul Martin of 160 Spruce Haven Drive illuminated two (2) points of concern from the letter he submitted on April 27, 2016. Mr. Martin stated that entrapment of the eight (8) or so properties of the April 29, 2016 gas line explosion in Westmoreland County is verification for concern over the homes built behind a major gas line in Phase VI.

Mr. Martin also stated that the road to nowhere, Luxury Drive, will encourage mischief for children. He added that a stub road will go somewhere sometime and the only place he can see it going is to Mohawk Drive. This will affect his property.

Scott Becker, 808 Village Club Drive, stated that since 2012 the traffic flow has steadily increased. He asserted that the best litmus test is to come over and observe the traffic and then decide if Phase VI should be approved.

Mr. Gramc clarified that in 2010 he was trying to negotiate with the property owner but the owner would not talk to us, therefore in 2010 Phase VI was not part of the plan. The property only became available in 2014.

Steve Leonard addressed Mr. Gramc inquiring if steep slopes were part of the original plan for Phase V.

Mr. Spagnolo stated that the content in the pictures submitted by Mr. Leonard appears to be topsoil. Mr. Spagnolo explained that as a developer the first action developing a property is the removal of trees and the second is the removal and stockpiling the topsoil. The topsoil has to be relocated out of the way. Mr. Spagnolo stated that if this is topsoil in the pictures it cannot be used in fill areas.

Mr. Gushard questioned the Board for any further discussion.

Frank Spagnolo stated that the Board had heard from the developer and the homeowners and received their submissions, therefore he feels a motion should be made to close the hearing.

Mr. Gushard stated that the record will be left open until Wednesday, May 11, 2016 and the public can submit items until 5:00 p.m. that day.

Mr. Henry reiterated all information is available at the Township Municipal Building for review.

Dan Gramc surmised that all outstanding requirements will be completed prior to the developer applying for the home construction permit.

Mr. Holdcroft inquired as to the Township's Code in regards to provisions for homeowner's wells.

Elain Jewart of 111 Oakhaven Drive stated that she has lived in Pine since 1997 and she is a small business owner. Ms. Jewart voiced that the Board should consider having a new traffic plan done.

Frank Spagnolo stated that a new study was completed on April 29, 2016.

Mr. Gushard stated that the report is available at the municipal building for review.

Motion was made by Frank Spagnolo and seconded by Ed Holdcroft to close the Public Hearing keeping the record open for submittals until May 11, 2016 at 5:00 p.m. The aye vote on the motion was unanimous. Motion carried.

NEW BUSINESS

PUBLIC HEARING FOR ORDINANCE 378 REGARDING CABLE FRANCHISE AGREEMENT

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to open the Public Hearing for official consideration and proposed enactment of Ordinance 378 renewing the Cable Franchise Agreement with Consolidated Communications Enterprise Services.

Mr. Anderson stated that this is a contract renewal with Consolidated Communications Enterprise Services, Inc. approving the cable franchise agreement.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to close the Public Hearing for official consideration and proposed enactment of Ordinance 378 renewing the Cable Franchise Agreement with Consolidated Communications Enterprise Services.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to enact Ordinance 378 renewing the Cable Franchise Agreement with Consolidated Communications Enterprise Services. The aye vote on the motion was unanimous. Motion carried.

VILLAGE AT PINE LOT 443

Mr. Kurpakus stated that the purpose of this application is to modify the individual lot lines for building 443 (5 units) within the Village at Pine. The modification will align the lot lines of the townhomes.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to grant approval for the Village at Pine Lot 443 Revised Preliminary and Final Subdivision Approval. The aye vote on the motion was unanimous. Motion carried.

RESOLUTION 948 DISBANDING PINE TOWNSHIP AUTHORITY

Mr. Gushard stated that the Pine Township Authority was established in 1966 and has been inactive for the entire 50 years of its existence. After discussion and evaluation the recommendation is to terminate the Pine Township Authority. Adoption of Resolution 948 permits the filing of the necessary termination documents to disband the Authority.

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft to adopt Resolution 948 disbanding the Pine Township Authority. The aye vote on the motion was unanimous. Motion carried.

PROPOSALS FOR CAMERA INSTALLATION IN PINE COMMUNITY PARK

Joni Patsko reported that the proposals are to provide and install four (4) cameras to the left park pavilion in Pine Park. The proposals include equipment and installation costs.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry to award the proposal to install four (4) cameras in Pine Community Park to Tyco Integrated Security in the amount of $10,200. The aye vote on the motion was unanimous. Motion carried.

MUNICIBID SALE OF OLD SALT STORAGE BUILDING

Motion was made by Mr. Holdcroft and seconded by Mr. Spagnolo to award the sale of the old salt storage building to the high bidder Sharon Deimier in the amount of $100. The aye vote on the motion was unanimous. Motion carried.

ADVERTISEMENT FOR PUBLIC HEARING REGARDING CLOVERDALE WOODS P.R.D.

Motion was made by Mr. Spagnolo and seconded by Mr. Henry for authorization to advertise for a Public Hearing regarding Cloverdale Woods P.R.D. The aye vote on the motion was unanimous. Motion carried.

ADVERTISEMENT FOR PUBLIC HEARING REGARDING BROOKFIELD ESTATES

Motion was made by Mr. Spagnolo and seconded by Mr. Holdcroft for authorization to advertise for a revised Conditional Use Approval for Brookfield Estates. The aye vote on the motion was unanimous. Motion carried.

MAY 16, 2016 BOARD MEETING

The Board reviewed and approved the agenda proposed for the May 16, 2016 meeting.

REQUEST TO SELL MOWER THROUGH MUNICIBID

Joni Patsko requested permission to sell the 2003 Lastec 721RX mower through Municibid. The Board gave approval to proceed.

ADJOURNMENT

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 7:27 p.m.

Erin Heller
Recording Secretary

Scott Anson
Township Manager