

**TOWNSHIP OF NORTH HUNTINGDON, BOARD OF COMMISSIONERS**  
**REGULAR MEETING, WEDNESDAY, JULY 15, 2009, 7:00 P.M.**  
**11279 Center Highway, North Huntingdon, PA 15642**  
**Presiding Officer – David E. Herold, President, Board of Commissioners**

**CALL TO ORDER**

Mr. Herold called the meeting to order at 7:03 P.M.

**ROLL CALL**

Commissioner Furlin	Present	Also Present:
Commissioner Patter	Absent (Arrived 7:03 P.M.)	Michael M. Turley
Commissioner Gray	Absent	Bruce E. Dice
Commissioner Martino	Present	Chief Daugherty
Commissioner Moffatt	Present	Richard G. Albert
Commissioner Austin	Present	Andy Blenko
Commissioner Herold	Present	Dan Miller

**PLEDGE OF ALLEGIANCE**

**OPENING PRAYER**

The opening prayer was given by Pastor Ed Gratton of the Norwin Christian Church.

**CITIZENS' INPUT**

Alice Anthony, 850 Rose Street: The street sweeper cleaned Rose Street, but the lower part of the road isn't taken care of and there are five people who live there. She also wants to know why they are giving the Manager \$5,000 more and \$10,000 severance pay. People are out of work and you keep spending money.

Mr. Albert said the sweeper is large and the lower end of the street is narrow with cars parked there. They have a hard time going down there in the winter to plow, so they use a small truck. The sweeper operator doesn't want the liability of hitting any vehicles.

Mrs. Anthony said if they ask the people to move the cars, they will move them for the sweeper. She will ask the people to move their cars.

Mr. Albert said if she calls him, he will tell her the next time the sweeper is going down on Rose Street.

Toni Casey, 4111 Fundistown Road: She is concerned about the water coming over the hill from Cavittsville. She has pictures from the 70's when it was open drains and now in the woods behind her house is a large cement drain with stones and all the drains are covered up. She passed the pictures to the Board of how it used to be. She would like this problem taken care of.

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Half the street tilts towards her house and the water comes down over the hill which is destroying properties across the road.

Mr. Albert said there were open drains and ditches in the 70's and the road ends there with no drainage. The open ditches were landscaped and filled over the years. To put drains in would require easements from the property owners and they would have to see where to run the water. They will have to research this.

Colleen Shannon, 4081 Fundistown Road: She has the same problem with the ditch in the yard that runs to the cistern across the street. The water was four feet wide with that last storm and her basement was flooded and her furnace may be ruined. They can lay a pipe in her yard if needed.

**APPROVAL OF MINUTES**

Motion: Mr. Furlin                      So move. (Regular Meeting – 5/30/09)  
Second: Mr. Austin

Motion Carried 6 – 0 – 0

**TREASURER'S REPORT**

Motion: Mr. Martino                      I'll make that motion. (June 2009)  
Second: Mr. Furlin

Motion Carried 6 – 0 – 0

**PAYMENT OF BILLS**

Motion: Mr. Martino                      I make a motion we pay Voucher No. 58074 through Voucher  
Second: Mr. Moffatt                      No. 58165.

Motion Carried 6 – 0 – 0

**PUBLIC WORKS REPORT**

Mr. Albert said they are working to recover after the storm and are asking the residents to be patient. They have had many requests for raising curbs and cleaning drains and will get to all the items in time. Some of the items for the preparation of the Paving Program have been pushed back because of this storm damage.

Mr. Herold thanked the Public Works, Administration and Emergency Management for all the work done in reference to the flooding.

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**PARKS AND RECREATION REPORT**

Mr. Furlin said he called about the lower bridge at Tinkers Run Park and that the bridge can be salvaged and placed back in.

Mr. Miller said he looked at the bridge and the structure is salvageable. He will talk with Mr. Albert about getting the bridge upstream and secure to the original spot.

Mr. Moffatt asked about the cost and deadline for the Hall of Fame trip.

Mr. Miller said the information was not on the flyer to have people call so they can be told about other programs also. The cost is \$75.00 and is all inclusive for the trip, admission and food. The event is August 8 and he would like the bus full one week prior to the trip. He feels it will be a popular event and it is on a first come, first serve basis.

Mr. Herold asked how the summer camps were going.

Mr. Miller said they were in the third camp and it is working well. There has been a lot of community input and there was a celebrity guest speaker from the Galaxy Fitness talking about speed and strength training.

**POLICE REPORT**

Mr. Furlin asked if the speed trap was set up on Farview Drive.

Chief Daugherty said it was set up but will probably have to be brought back in to recharge it. This is the one they have had problems with over the years.

Mr. Austin said he passed both speed traps and it didn't look like either one was operable.

Chief Daugherty said you have to go 10 MPH over the speed limit to indicate the speed.

**EMERGENCY MANAGEMENT REPORT**

Mr. Herold thanked Emergency Management for doing a good job throughout the flooding.

Mr. Komondor said he was requested to look into agencies that may have grant money. According to Representative Casorio and Senator Ward, there is no State money available, so we are still waiting to hear about Federal money. F.E.M.A. just issued money for Tennessee that had storms two days before our area.

**FIRE OFFICIAL'S REPORT**

There were no Board comments.

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**SUBDIVISION & LAND DEVELOPMENT APPLICATION REPORT**

- 1) Action to adopt Resolution No. 130 of 2009, which approves S-7-2009, Louis Botti Subdivision, Clairmont Street, R-2 Zoning.

Mr. Furlin asked if the conditions were met on the easements.

Mr. Blenko said Mr. Botti hasn't sent anything back yet. As a condition of the approval, they will not sign off or allow the Mylar to be recorded until the conditions are met.

Motion: Mr. Furlin                      At this time, I'd like to make a motion to deny this.  
Second: Mr. Austin

**ROLL CALL VOTE**

Commissioner Furlin	Yes
Commissioner Patter	No
Commissioner Martino	No
Commissioner Moffatt	No
Commissioner Austin	Yes
Commissioner Herold	No

Motion Failed 2 – 4 – 0

Motion: Mr. Moffatt                      I make a motion to adopt Resolution No. 130 of 2009 with  
Second: Mr. Patter                      conditions.

Remarks

Mr. Martino said there are many subdivisions approved with conditions and he would like the Board informed when the conditions are met. He would like to be updated on the conditions on a monthly basis.

**ROLL CALL VOTE**

Commissioner Furlin	No
Commissioner Patter	Yes
Commissioner Martino	Yes
Commissioner Moffatt	Yes
Commissioner Austin	No
Commissioner Herold	Yes

Motion Carried 4 – 2 – 0

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- 2) Action to adopt Resolution No. 131 of 2009, which approves S-902009, Schur-Southern Alleghenies Subdivision, Leger Road, I & R-4 Zoning.

Motion: Mr. Martino                    I'll make a motion we adopt Resolution No. 131 of 2009.

Second: Mr. Moffatt

Remarks

Fred Lau, 540 Leger Road: He has property adjacent to the proposed subdivision and he has a problem with spot zoning that occurred on the Waste Management property. It was rumored that Waste Management had bought the R-4 property behind the industrial property and as long as it stays R-4, he doesn't have a problem. His concern is what they will do with the R-4 property once it is tied into their property. He maintains a 400 ft. buffer at his own cost to not have the noise.

Mr. Blenko feels his concerns are valid and the Planning Commission has asked the same questions of Southern Alleghenies and that they are not to use the property for anything other than what it was zoned. They could come to the Zoning Hearing Board to have it rezoned. The Planning Commission can't address the issue until it arises. It seems coincidental that this is the area that used to be used for storage of roll-off bins.

Mr. Lau said they parked their trucks back there last year when they were doing asphalt work and there is one roll-off bin there now.

Mr. Moffatt asked if they own both those properties or is it contingent on this approval.

Mr. Blenko said it would have to be contingent on this approval. Mr. Schur owns it now and the boundary line adjustment allows that piece to be sold.

Mr. Patter said there is nothing to stop them from getting it rezoned.

Mr. Blenko asked if they should add to the Resolution that Southern Alleghenies will mark in the field where the zoning boundary line is. He is also concerned that the Industrial usage will come across the zoning district line.

Mr. Dice said he is concerned if this is the Township zoning line. He feels the Township should set where the line should be.

Mr. Blenko said they can check where the line is but they would have to take the GPS unit in the field and that won't tell you where the line is. It would be easier to have something in the field to identify the line.

Mr. Dice said to develop a condition to set the line, the condition has to be set by the Township. It is better for the Township to say where the lines are.

Mr. Blenko said it will be a hit or miss project because they would have to put in a post and see where it falls once they get back to the office.

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Mr. Dice said if you want the applicant to set the line, it can be made part of the condition along with saying whatever line is established is to the satisfaction of the Township Engineer. He asked if there was time to work it out or were they on a dead line.

Mr. Blenko said it was tabled for a month, so there are only 60 days left.

Mr. Moffatt said the line will be gone where industrial meets residential once they do the lot consolidation.

Mr. Blenko said it is an imaginary line on paper and there are many properties on Route 30 that are split zoning.

Mr. Dice said the ownership line will be gone but the zoning line splitting the lot will be there. The Board can approve this subject to the applicant working with the Engineer to establish the location of the zoning dividing line at the sole discretion of the Engineer as to where the line will be. This is the condition that should be attached to the motion.

Mr. Martino said that will be made part of his motion.

Mr. Patter said these are two separate properties and the boundary line and zoning line would be the same.

Mr. Blenko said if the line is marked with iron pins, you would be able to make the zoning line.

Mr. Dice said the condition should now be that there is an approval subject to the condition that the rear line of the lot of Southern Alleghenies shall be and is now the zoning district dividing line. The applicant has to agree to that. That line can be done with proper surveying.

Mr. Blenko asked if they could look at it later in the meeting so he can check out the file.

Withdraw

Motion: Mr. Martino                    I am willing to withdraw the motion.

Withdraw

Second: Mr. Moffatt

3)            Action to adopt Resolution No. 132 of 2009, which approves S-10-2009, Windstein Lot Consolidation Plan, 611 Turnpike Drive, R-3 Zoning.

Motion: Mr. Furlin                    Motion to approve.

Second: Mr. Moffatt

Motion Carried 6 – 0 – 0

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- 4) Action to adopt Resolution No. 133 of 2009, which approves S-11-2009, Morrison #2 Subdivision, Garlow Road, R-3 Zoning.

Motion: Mr. Moffatt I'll make a motion to adopt Resolution No. 133 of 2009.

Second: Mr. Martino

Motion Carried 6 – 0 – 0

- 5) Action to adopt Resolution No. 134 of 2009, which approves S-12-2009, Lincoln Hills Phase 5B Subdivision, R-3 Zoning.

Mr. Blenko stated the conditions as follows: 1) Erosion and Sedimentation Control Plan and the Storm Water Management Plan must be approved by the Westmoreland Conservation District. 2) The applicant must submit and obtain sewage planning approval from PADEP for 37 dwelling units.

Mr. Moffatt said with the curve in this plan, there would be guide rails.

Mr. Blenko said the applicant agreed to put up guide rails which is part of the site plan.

Motion: Mr. Martino I'll make that motion that we adopt Resolution No. 134 of 2009.

Second: Mr. Furlin

Motion Carried 6 – 0 – 0

- 6) Action to adopt Resolution No. 135 of 2009, which approves S-13-2009 and SP-4-2009, Teddy's Restaurant Consolidation Plan and Site Plan, 8695 Route 30, C-1 Zoning.

Mr. Blenko said there was a question about the parking spaces on how wide they should be. A new site plan was sent to make the parking row along Route 30 diagonal to make it easier on which direction to go. It has reduced the number of parking spaces from 100 to 95 which would still be enough. It is up to the Board to make a decision on the plan as proposed now.

Mr. Dice said the second plan is better.

Mr. Blenko said the diagonal parking spaces helps to reinforce the traffic flow.

Mr. Patter asked if there would be signage that says Do Not Enter where you have to go left or right.

Mr. Blenko said some type of signage should be required with an arrow directing traffic which way to go.

Chief Daugherty said he prefers the diagonal parking and it should come with signage.

Mr. Patter said if you go between the building and the other parking, you have to go around the building and exit back on Route 30.

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Mr. Blenko said a condition of approval could be that a sign plan be reviewed by the Police Department.

Mr. Dice said this is a private parking lot and how could this be made a condition of approval.

Mr. Blenko said any site plan parking arrangement has to be approved by the Planning Commission and then the Board.

Mr. Dice asked if it should be voted on tonight or does it have to go back to the applicant.

Mr. Blenko said this is only the first meeting that it is being considered.

Mr. Dice said this should go back to the applicant and they should have a motion to table.

Motion: Mr. Patter                      I'll make a motion to table.  
Second: Mr. Moffatt

Motion Carried 6 – 0 – 0

Motion: Mr. Martino                      Motion to put Resolution No. 136 on the agenda for this  
Second: Mr. Furlin                      evening.

Mr. Dice said the public has the right to comment on the Iwinski Subdivision on Ipnar Road.

**CITIZENS' INPUT**

There was no Citizens' Input.

Motion Carried 6 – 0 – 0

- 7)        Action to adopt Resolution No. 136 of 2009, which approves S-4-2009, Iwinski Subdivision, 2231 Ipnar Road, R-3 Zoning.

Mr. Blenko stated the Subdivision is denied for the following reasons: 1) Subdivision plan does not contain the required elements. 2) The proposed flag lot does not conform to the allowable lot dimensions. 3) No documentation for an on-lot septic system has been submitted. 4) Access to the proposed lot is blocked by a utility pole.

Motion: Mr. Furlin                      Motion to deny.  
Second: Mr. Austin

Motion Carried 7 – 0 – 0

Mr. Dice said when the notice is sent out to the applicant, cite the Ordinance.

Mr. Herold asked about the Sonic project.

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Mr. Blenko said a letter was sent to PennDOT on June 24 and we received a letter last week to submit a Highway Occupancy Permit under the Township for a half pork chop to prohibit left hand turns out of Billot Avenue. He spoke to Mr. King about this news, but he has committed to a restaurant in West Virginia that will be done first. He is still interested in this site and will get his engineer to work on the Highway Occupancy Permit and will do the construction on Billot.

Mr. Herold asked if PennDOT still wanted a no left turn westbound.

Mr. Blenko said it seems they will go with only left turns prohibited coming out of Billot Avenue.

Mr. Dice feels that PennDOT feels as the Township that the left turn westbound is not unsafe.

Mr. Blenko said the accountant of the property owner called because he feels there may be a decrease in property value if you can't access it from Route 30. He was going to call PennDOT and Senator Ward about it.

**SOLICITOR'S REPORT**

There are no items for Board action.

**TOWNSHIP MANAGER'S REPORT**

1) Action to approve the June check register.

Motion: Mr. Furlin                      Motion to approve.  
Second: Mr. Martino

Motion Carried 6 – 0 – 0

2) Quarterly Financial Report and Budget Report – June 2009.

There were no Board comments.

3) Consider an action to use Richard E. Wortmann as an expert for the Redstone Highlands litigation matter.

Motion: Mr. Martino                      I'll make that motion.  
Second: Mr. Austin

**Remarks**

Mr. Dice said there are six entities involved in the litigation, three for the School District and three for the municipalities. The School District will pay 90% of bill submitted which leaves 10% for the three municipalities. North Huntingdon will pay one-third of the 10%. This gentleman has been involved in this type of litigation before and he has the knowledge.

Motion Carried 6 – 0 - 0

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- 4) Action to enter into a contract with Southwestern Pennsylvania Commission for the Traffic Signal Program.

Mr. Turley said this is the Sinc-Up Program that was approved to be added to the Capital Project list and this is the contract for that program.

Motion: Mr. Furlin                      Motion to approve.  
Second: Mr. Martino

Motion Carried 6 – 0 – 0

- 5) Action to grant the request of Hartford Heights V.F.D. to waive the building permit fee of \$267.00 for a proposed handicap accessible restroom at their facility.

Motion: Mr. Furlin                      Motion to approve.  
Second: Mr. Austin

Motion Carried 6 – 0 – 0

- 6) Action to approve Resolution No. 129 of 2009, which amends Ordinance No. 861 of 1994, updating the Police Standard Operating Procedures Manual.

Motion: Mr. Moffatt                      I make a motion to approve.  
Second: Mr. Furlin

Motion Carried 6 – 0 – 0

- 7) Consider an action to return Michael M. Turley to the position of Assistant Township Manager at the salary defined in the Salary & Wage Resolution No. 143 of 2008, effective July 20, 2009.

Motion: Mr. Furlin                      Motion to approve.  
Second: Mr. Martino

Motion Carried 6 – 0 – 0

- 8) Action to approve a tax refund to Shag Bark Grove Real Estate LP in the amount of \$122.44 due to the exoneration of the supplemental date 4/1/09.

Motion: Mr. Martino                      I'll make that motion.  
Second: Mr. Moffatt

Motion Carried 6 – 0 – 0

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9) Action to accept the resignation of Art Miller from the Recreation Board.

Motion: Mr. Martino I'll make that motion.

Second: Mr. Moffatt

Remarks

Mr. Herold would like a thank you sent to Mr. Miller for his dedication to the Township.

Mr. Miller said he didn't know him well, but would like to personally thank Mr. Miller for his contribution to the community. He gave the gift of time and he wishes him the best.

Motion Carried 6 – 0 – 0

10) Action to reject the bids for the 2009 Street Reconstruction Program and authorization to re-advertise.

Mr. Turley said the bids were opened on Monday and the bids are at a price that when they include the seal coating, it will go over the budget.

Mr. Moffatt asked why it would be lower to re-bid.

Mr. Turley said the asphalt index may decline and the alternates were included in the original bid and now would like to re-bid them separately.

Mr. Herold said the roads are ready to be paved.

Mr. Albert said it won't hurt to wait another month and they won't be ready for paving for at least six weeks. Last year they didn't award the bid until August, so they are just a little behind.

Mr. Herold said they need a motion to reject the bids for the 2009 Street Reconstruction Program and to authorize to re-advertise.

Motion: Mr. Martino I'll make that motion.

Second: Mr. Furlin

Motion Carried 6 – 0 – 0

2) Schur-Southern Alleghenies Subdivision:

Mr. Blenko showed an overhead of the detail of the area for transfer of ownership. There is an iron pin in one corner and a condition should be attached that all new property corners be marked with permanent monuments which are nine corners. There is nothing on the plan that shows the zoning line, but he feels the zoning line goes to the rear of the property.

Mr. Dice said the property dividing line is the zoning line.

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**FURTHER BOARD COMMENTS**

Mr. Moffatt said there is the Over 50 Softball League that lost their fields because they played at P.A.L. fields which were flooded. They are asking for three fields to play once a week in the morning to finish up their season.

Mr. Miller said he has an appointment to meet with Mr. Rollason about that and he would like to see the senior group use our fields since they aren't used in the morning.

Mr. Herold feels it would be a good gesture to allow them to use the fields and the rest of the Board concurred.

Mr. Blenko said for the Schur-Alleghenies property the zoning line is the same as the property line.

Mr. Dice said there should be two conditions: 1) The applicant should iron pin the entire lot. 2) They agree that the zoning dividing line is the property line.

Bob Sadusky, 1339 St. Clair Drive: He asked if they could include the bearing and the distance as far as the condition to lock it in.

Mr. Blenko said the condition references the plan submitted and they are trying to identify the lines in the field as to where the corners and lines are. This is on the subdivision plan.

Mr. Dice said this should be a motion to approve subject to the following conditions: 1) Lot that is being attached be completely iron pin 360° in nine locations. 2) The dividing line between the two existing lots today is the zoning dividing line between the two zoning classifications as per Resolution No. 131.

Motion: Mr. Martino                      I'll make that motion per the conditions set forth by Bruce Dice.  
Second: Mr. Patter

Motion Carried 6 – 0 – 0

**ANNOUNCEMENTS**

- 1) Discount Amusement Park tickets are available for sale at the Town House. For more information on this, please check out our web site at [www.nhtpa.us](http://www.nhtpa.us) or contact the Administration Office.
- 2) North Huntingdon Department of Parks & Recreation will be holding a "Movie in the Park" on Friday, July 24, 2009 at Penns Woods Park. The movie featured is "The Polar Express" starting at dusk. Please arrive by 8:15 P.M.

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- 3) North Huntingdon Department of Parks & Recreation has scheduled a bus trip to the Pro Football Hall of Fame in Canton, Ohio on Saturday, August 8, 1009. Come see former Steeler Rod Woodson #26 inducted into the Hall of Fame. Space is limited. Call 724-863-3806, Ext. 124 for reservations.

**ADJOURNMENT**

Motion: Mr. Furlin                      Motion to adjourn.  
Second: Mr. Martino

Motion Carried 6 – 0 – 0

- Regular Meeting Minutes of July 15, 2009 were approved by the Board of Commissioners on \_\_\_\_\_.

\_\_\_\_\_  
David E. Herold, President

\_\_\_\_\_  
John M. Shepherd, Township Secretary

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