

**TOWNSHIP OF NORTH HUNTINGDON, BOARD OF COMMISSIONERS
REGULAR MEETING, WEDNESDAY, JUNE 17, 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 7:00 P.M.

ROLL CALL

Commissioner Furlin	Present
Commissioner Patter	Present
Commissioner Gray	Present
Commissioner Martino	Present
Commissioner Moffatt	Present
Commissioner Austin	Present
Commissioner Herold	Present

Also Present:
Michael M. Turley
Bruce E. Dice
Chief Daugherty
Richard G. Albert
Andy Blenko
Dan Miller

PLEDGE OF ALLEGIANCE

OPENING PRAYER

Pastor Tony Collura of the Suburban Community Church gave the opening prayer.

CITIZENS' INPUT

Chris Price, Executive Director, Rescue 8, 2102 Dutch Hollow Road, Jeannette: In June 2008, they put in a request for a surplus police vehicle to be used for a general purpose vehicle. The Township donated a car in August 2008 with the condition that the car be used for business purposes. Since they got the vehicle, they have paid for insurance and repairs and the Township has paid for the fuel. Since they have had the car, it has been used for emergency response and staff use. It has gone to Ohio and Harrisburg for trips related to the purchase of the new ambulance and has gone home six times with the on-call administrator. This has raised some concern of usage by some of the Commissioners. This was discussed by the Rescue 8 Board and they will pay for the insurance and also the fuel usage for the car to eliminate any concerns.

Mr. Furlin asked Mr. Price to come to the meeting because there were some complaints that the car was being taken home for personal use. The biggest complaint was that the insurance was paid by the Township but Rescue 8 pays for its own insurance and they have agreed to pay for their own fuel. He is asking the Board to support them that they will pay for the gas and insurance.

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Motion: Mr. Furlin
Second: Mr. Moffatt

Motion to put this matter for the Board before the end of the meeting.

Motion Carried 7 – 0 – 0

CITIZENS' INPUT

There was no Citizens' Input.

Motion: Mr. Moffatt
Second: Mr. Furlin

I'll make a motion to accept the offer of Rescue 8 to pay for the gas and to pay for the insurance and they would be free to use it as directed by the Rescue 8 Board that would include no personal use.

Motion Carried 7 – 0 – 0

Brett Morgan, 1083 Toby Street, Westmoreland City: He is there about the article that was in the paper to restrict oil and gas drilling in the Township. He is against it as they should not restrict residents. The School District and the Township have gas wells on their property. It is mandated at the State level and notice to residents or to a Township by State laws is required 24 hours. If the company isn't meeting it, the Township needs to take action with that company. Cases in Salem Township or Oakmont took over four years and he doesn't want to spend tax dollars fighting a losing cause. To restrict a resident on income from a well is not something the Board should be looking into. The Township has given up rental of over a million dollars that could have been used to pave roads or for additional police cars. He is opposed to regulating an individual.

Mr. Dice stated that the Supreme Court gave a decision and the Salem case dealt with how the drilling would be taking place such as hours of operation. The Supreme Court said you can't regulate on the how but you can regulate where under the Zoning Ordinance but it has to be done carefully. You can state that you don't want drilling in a residential district but can't say how they drill.

Mr. Turley said the Oil & Gas Act pre-empts local regulations, but does not pre-empt the PA Planning Municipal Code. They could look at the location of roads, connection to public roads and transmission lines. The Township is planning to undertake that project.

Mr. Gray asked if the staff or Planning Commission was undertaking the project.

Mr. Turley said the project was started last year by the staff.

Mr. Gray asked Mr. Morgan if he was associated with any drilling company.

Mr. Morgan stated he is a leasing agent with Huntley & Huntley. There are 1,400 acres in the Township under lease and they are restricted to businesses only. There are many residents in the Township that have over 10 acres. For a pipeline, they have to negotiate with the landowner. He doesn't feel that the Township has the right to step in and tell him how to run his property.

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Mr. Turley said the private road connects to a public road and there are issues with road damage and bonding.

Mr. Morgan said a problem is that the bonding requirements are too low and they need to address that with the State. If it is a State Road, you have to get a driveway permit and if the companies aren't following that, you have to come down on them.

Mr. Turley said the Township would want to see if they were connecting a road to another road for site distance and public safety.

APPROVAL OF MINUTES

Motion: Mr. Furlin So move. (Regular Meeting – 4/15/09)
Second: Mr. Moffatt

Motion Carried 7 – 0 – 0

Motion: Mr. Martino I'll make that motion. (Special Meeting – 5/14/09)
Second: Mr. Furlin

Motion Carried 7 – 0 – 0

TREASURER'S REPORT

Motion: Mr. Austin So move. (May 2009)
Second: Mr. Martino

Motion Carried 7 – 0 – 0

PAYMENT OF BILLS

Motion: Mr. Moffatt I make a motion we pay Voucher No 57906 through Voucher
Second: Mr. Austin No. 58016.

Remarks

Mr. Martino asked about Voucher No. 57906 for the attorney fee for Mr. Blenko and if it was paid by the Township before for the personal license.

Mr. Blenko said the Township has paid it the last two years. Ninety-five per cent of Zoning Law is court made law so he knew about the oil and gas decisions before they were in the newspaper. He is able to provide court opinions to Zoning Hearing Board, Planning Commission and Zoning Officer. He represents Keith Evers and Dave Stitt at the Magistrate's Hearings and he feels the knowledge is helpful in his position.

Mr. Martino said his is not questioning whether he be a member of the bar but rather should the Township pay for the registration or should it come out of his pocket.

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Mr. Blenko said he is a trustee of Allegheny County Municipal and School Solicitor section and his term will run out next year at which time he would like to become a member of the Westmoreland County Bar Association Municipal Law Group.

Motion Carried 6 – 1 – 0 (Mr. Martino)

PUBLIC WORKS REPORT

Mr. Moffatt asked about the Johnson property on Larwin Lane.

Mr. Albert said the project was completed yesterday and he checked on it after the heavy rains and there was no problem.

PARKS AND RECREATION REPORT

Mr. Herold asked how the summer camps were going.

Mr. Miller said the first week has been completed and was very successful.

POLICE REPORT

Mr. Furlin asked for a speed check on Farview Drive.

Chief Daugherty said it would be put on the list. Also, they just finished the Jr. Police Academy with 64 cadets. There were no injuries and the kids had a good time. They had 30 volunteers who worked the kitchen. They put on a court case and had a search and rescue demonstration. He read a letter from Mallory Merda, a senior graduating student, to the Board.

EMERGENCY MANAGEMENT REPORT

There were no Board comments.

FIRE OFFICIAL'S REPORT

There were no Board comments.

SUBDIVISION & LAND DEVELOPMENT APPLICATION REPORT

- 1) Action to adopt Resolution No. 126 of 2009, which approves S-6-2009, Kirk Haight Auto Sales Subdivision, Route 30, C-1 Zoning.

Motion: Mr. Austin
Second: Mr. Furlin

So move.

Motion Carried 7 – 0 – 0

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- 2) Action to adopt Resolution No. 127 of 2009, which approves S-8-2009, Thomas & Margaret Clark Subdivision, Route 30, C-1 & R-2 Zoning.

Motion: Mr. Martino I make that motion.

Second: Mr. Austin

Motion Carried 7 – 0 – 0

- 3) Action to adopt Resolution No. 128 of 2009, which approves SP-3-2009, Dollar Bank Site Plan, 889 Magill Drive, C-1 Zoning.

Motion: Mr. Austin So move.

Second: Mr. Furlin

Motion Carried 7 – 0 – 0

SOLICITOR'S REPORT

There were no items for Board action.

TOWNSHIP MANAGER'S REPORT

- 1) Action to approve the May check register.

Motion: Mr. Furlin So move.

Second: Mr. Martino

Motion Carried 7 – 0 – 0

- 2) Budget Report – May 2009.

There were no Board comments.

- 3) Action to approve the Norwin School District Occupation Resident and Per Capita Report for the month of May 2009.

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

Second: Mr. Furlin

Motion Carried 7 – 0 – 0

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- 4) Action to approve the Norwin School District Municipal Distribution and Refund Reports for the month of March 2009 in the amount of \$3,283.00 and for the month of April 2009 in the amount of \$7,024.50.

Motion: Mr. Furlin So move.
Second: Mr. Austin

Motion Carried 7 – 0 – 0

- 5) Action to approve a tax refund to Daniel & Marcia Tomko in the amount of \$245.80 due to tax exoneration.

Motion: Mr. Moffatt So move.
Second: Mr. Martino

Motion Carried 7 – 0 – 0

- 6) Action to adopt Resolution No. 125 of 2009, authorizing St. Agnes Church to erect three overhead banners, one on Lincoln Way and two on Route 30 from July 31 to August 10 to promote their annual bazaar.

Motion: Mr. Furlin So move.
Second: Mr. Austin

Motion Carried 7 – 0 – 0

- 7) Action to appoint Jennifer Miele to the Peer-to-Peer Committee for the Norwin Regional Recreation Committee.

Motion: Mr. Moffatt I make a motion to appoint Jennifer Miele to the Peer-to-Peer
Second: Mr. Furlin Committee for the Norwin Recreation Community.

Motion Carried 7 – 0 – 0

- 8) Action to modify the terms of the lease contract with T-Mobile.

Mr. Turley said they currently pay a quarterly rate of \$2,000 which is not guaranteed. They are looking for a concession and in exchange would give the Township a 10-year guaranteed contract. The action is to modify the lease to an amount of \$1,750 quarterly with a 10-year guaranty.

Motion: Mr. Moffatt I'll make a motion that we accept the modified terms of the lease
Second: Mr. Martino contract with T-Mobile.

Motion Carried 7 – 0 – 0

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- 9) Action to add the SPC Traffic Sinc-Up Project to the Capital Project list for 2009.

Mr. Turley said the Township put an application in last year with the SPC for a traffic signal upgrade and signal timing for traffic signals along Route 30, but the project did not make the final budgeted capital projects list but the SPC will fund it.

Motion: Mr. Martino I make that motion.

Second: Mr. Furlin

Motion Carried 7 – 0 – 0

- 10) Action to allocate a portion of funds from the Fire Service Fund to:

- Seven Volunteer Fire Departments in the amount of \$56,000.00
- Canteen in the amount of \$500.00 (Total amount)

Mr. Turley said this is not the total allocation and there will be another allocation later in the year up to \$6,000. The Fire Departments have to have an approved audit before distributing the funds and only five of the seven have the audits and the other two will be approved contingent on an approved audit.

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

Second: Mr. Furlin

Remarks

Mr. Dice asked Mr. Turley to state the two Fire Departments without an approved audit.

Mr. Turley said Strawpump and Shafton have minor discrepancies that need resolved.

- 11) Action to allocate funds from the General Fund to Rescue 8 in the amount of \$36,000.00.
(Total amount)

Motion: Mr. Furlin So move.

Second: Mr. Austin

Motion Carried 7 – 0 – 0

- 12) Action to reimburse Baldoc Health Care Centre \$889.00 for a building permit due to a revision of their building plan.

Motion: Mr. Moffatt So move.

Second: Mr. Furlin

Motion Carried 7 – 0 – 0

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ROLL CALL VOTE

Mr. Furlin	Yes
Mr. Patter	No
Mr. Gray	No
Mr. Martino	Yes
Mr. Moffatt	No
Mr. Austin	Yes
Mr. Herold	Yes

Motion Carried 4 – 3 – 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 or contact the Administration Office.
- 2) North Huntingdon Department of Parks & Recreation will be holding a “Movie in the Park” on Friday, June 26 at Lions Park. The movie featured is “Hotel for Dogs” starting at dusk. Please arrive by 8:15 P.M.

ADJOURNMENT

Motion: Mr. Furlin So move.
Second: Mr. Austin

Motion Carried 7 – 0 – 0

- Regular Meeting Minutes of June 17, 2009 were approved by the Board of Commissioners on _____.

David E. Herold, President

Michael M. Turley, Assistant Township Secretary

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