

**TOWNSHIP OF NORTH HUNTINGDON, BOARD OF COMMISSIONERS
SPECIAL MEETING, THURSDAY, MAY 13, 2010, 7:00 P.M.
11279 Center Highway, North Huntingdon, PA 15642
Presiding Officer – Lee D. Moffatt, President, Board of Commissioners**

CALL TO ORDER

Mr. Moffatt called the meeting to order at 7:00 P.M.

ROLL CALL

Commissioner Herold	Present
Commissioner Haigis	Present
Commissioner West	Present
Commissioner Gray	Present
Commissioner Martino	Present
Commissioner Austin	Present
Commissioner Moffatt	Present

Also Present:
John M. Shepherd
Bruce E. Dice
Ryan Fonzi

PLEDGE OF ALLEGIANCE

CITIZENS' INPUT

Walt Fillar, 40 Cherry Lane: He has a problem with water from a Township street. There was a culvert in front of his house that was removed and the pipe that replaced it does not handle the water. The culvert was slanted so the water could go into a Township pipe. He passed out pictures to the Board. He has another problem with a neighbor's business. They extended their driveway and hit his wall and started to knock it over. This was a Plumbing Company and he called the Police to report it. He showed pictures of his wall to the Board. The neighbors have called the Police about the wall and a parking problem. He was told by the Planning Department that a business is not to use a residential street for parking.

Mr. Shepherd said a business can park on the street if there aren't any signs posted not to park there. They can legally park on the street.

Mr. Fillar said the street is only 18 ft. wide and if you have one car parked on the street, two cars can't get through. His mother-in-law is handicapped and the Police wanted to cite her because someone else was parked in front of his house and she couldn't find anywhere to park in front of his house so she parked in front of the plumbing place. He doesn't know why the company used the street when they have their own parking lot. He can't turn in his driveway where the Plumbing Company parks on the street. His mailbox has been knocked over twice, but no one has seen him do it. He gave more pictures to the Board.

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Gary Renner, 91 Cherry Lane: He has been dealing with Affordable Plumbing. The wall is 12 ft. high and there is no fence around it. It is supposed to be in by May 18. They park a dump truck on the street and you can't get around it. There are a lot of elderly people on the street and they can't get around the cars. On Good Friday, Affordable Plumbing was digging without a permit and hit a gas line. He has operated equipment there without a safety person. He was told to stay out of the gas line after it was fixed the first time, but he dug in there again and it developed another leak.

Bob Pluto, 971 Abrams Drive: He was there to talk about the stream conditions from the flooding in June and he presented pictures to the Board of before and now what the stream is like. He contacted the Westmoreland Conservation District and the permit is on the way to dredge the creek at him and his neighbor's expense. They have a contractor lined up also. Mr. Pillsbury said they should have stone put in after the project is done to make sure the creek runs straight.

RESPONSE TO CITIZENS' INPUT

Walt Fillar

Mr. Shepherd said as far as the issue with the fence, Affordable Plumbing was given notice by Code Enforcement and they will follow up on it. Secondly, for the drainage, the swale that was removed went into an open pipe. They put in a 2x2 inlet, which may be undersized, and the Public Works will look into that. There is work that needs done on Cherry Lane by the Township. Mr. Blenko and Mr. Albert have been there and are working on the drainage issue. Affordable Plumbing expanded their parking lot and didn't need any additional storm water permits. They can get the reports from the Police in reference to the parking to see if it needs to be posted.

Mr. Moffatt said Affordable Plumbing put the drain in not the Township.

Mr. Shepherd said there was an existing pipe that opened up into a swale and then went into another inlet. They put in an inlet adjacent to the gutter line that attaches to the existing pipe. The concern is that the inlet grate isn't big enough and that will be addressed.

Mr. Martino said he would like the parking problem addressed also.

Mr. Shepherd said they can look at the Police reports to see what is feasible for the area. It can be posted No Parking but that may impact the neighbors if they park on the street.

Gary Renner

Mr. Renner said when he was going to expand his dining room, he had to get a variance from the neighbor. The wall Affordable Plumbing built is on his property line and he didn't get any authorization from the neighbors.

Mr. Shepherd said that isn't necessary for a wall but is for a building structure.

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Mr. Renner said he didn't know they were allowed to blacktop their street as Affordable Plumbing cut away about two feet of the street.

Mr. Shepherd said he had to get a Street Opening Permit from the Township to do the work.

Mr. Fillar said he was told that the part of the street that was removed was a culvert and when the street was paved, the culvert was paved.

Mr. Shepherd said that was a swale and they put an inlet in there.

Mr. Moffatt said Mr. Blenko will take a look at it.

Mr. Shepherd said Mr. Blenko was there when they had the gas leak.

Mr. Fillar said he had removed the swale already. He has spoken to an attorney who said there is a problem if a culvert is removed.

Bob Plutto

Mr. Gray said he asked Mr. Plutto to come to the meeting and he commends the families working together to remove the sedimentation. They are working with Mr. Pillsbury at the Conservation District and he said the Township would work with the families to make the project go well. He recommended Jim McHugh as a contractor as he works for the Township. Mr. Plutto would like stone for the entrance to the culvert pipe and that the Township would only do work in the right-of-way. Possibly the Public Works could put the stone down if the Board approves. In Mr. Blenko's report of the drainage that it may be beneficial to put in a wing wall. He would like a motion to make a contribution to the project

Mr. Moffatt said he would recommend next week for an opinion on the wall or stone. Mr. Blenko was working on a policy where the Township pipes meet resident pipes and if the Township was going to do the pipes or the head wall.

Mr. Shepherd said he would get a recommendation on the cost of the stone and the head wall. They are looking at protecting the Township culvert.

1) Action to appoint a representative to the Turtle Creek Watershed Association.

Mr. Shepherd said Ms. Selvaggio from the Association was here last month asking for representation and asked if any of the Board would be interested.

Motion: Mr. Gray
Second: Mr. West

I'll make a motion we appoint Mr. Haigis to the Turtle Creek Watershed Association.

Motion Carried 7 – 0 – 0

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- 2) Action to approve a contract with Allegheny Energy Supply for street lights located in the Township.

Mr. Shepherd said this would need to get to Allegheny Energy by tomorrow to be approved for June. They can save the Township \$13,000 annually on the Street Light fund. They would still get one bill from Allegheny Power and he recommends entering into this contract for a one year term.

Motion: Mr. Herold I'll make that motion to approve a contract with Allegheny
Second: Mr. Haigis Energy Supply.

Motion Carried 7 – 0 – 0

- 3) Resolution supporting House Bill #2026, the Demi Brae Cuccia law – discussion.

Dr. Gary Cuccia, 115 Lake Drive, Greensburg: He is there to ask for help from the Township by passing a resolution to support House Bill 2026. His daughter, Demi, lost her life because of teenage dating violence in 2007. This is a serious subject and their children need this education. This bill would mandate that all schools in Pennsylvania would teach about dating violence in the Health Classes for grades 7 to 12. He spoke at North Allegheny High School today and he asked the students if they knew of anyone experiencing teenage dating violence, almost all raised their hands. They were all in favor of education. The boy who killed his daughter was one of his son's best friends, but he was a very possessive and controlling ex-boyfriend when she broke up with him. After him texting her for days that they needed to talk, she let him come over and he stabbed her 16 times in her living room. The bill has passed the House of Representatives and is sitting in the Senate Education Committee and it is being sat on. They are trying to get the bill to the Governor. There is a petition on his web site to show support and there is contact information for the Senate Office. There are 11 resolutions passed so far. Education is important on this subject and having this resolution passed by the Township would mean a lot to him and his family.

Mr. Moffatt said this could be put on next week's agenda for a vote.

Mr. West asked who was developing the educational curriculum.

Mr. Cuccia said the bill is modeled after a bill from Rhode Island from a girl who lost her life. The information can be downloaded for free and the only cost would be reproduction of the materials for the students.

The Board agreed to put it on the agenda for next week.

- 4) Planning/Engineering Topics.

- 1) Planning Commission Agenda Items:

- a) SP-7-2009, Kirk Haight Auto Sales Site Plan, 12109 Route 30, C-1 Zoning.

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Mr. Fonzi said this is a revised site plan as they had originally done work in 2009 by stripping the trees from the hillside and regarding it, but didn't have the required permits. A landscaping plan is proposed to plant some trees on the rear hillside. He has since submitted architectural drawings that show what the building will look like, but there are some issues. The proposed parking spaces at the left wall of the building leave no room between the building wall and parking. It also shows the main entrance into the building against a parking space with the door swinging out into the parking space. This would prevent handicapped access and impeded pedestrian access. The Planning Commission recommended approval of the site plan contingent upon the applicant revising the site plan to eliminate the planter and revising the parking layout. They did receive updated architectural drawings and the door on the left elevation will be moved to swing out into a striped area. The planter boxes were eliminated from the plan.

Mr. Moffatt asked if the runoff going onto the property below is Township property or is it the property sold to Walnut Capital.

Mr. Fonzi said that is the Walnut Capital property there.

b) S-5-2010, Jim Shorkey KIA Lot Consolidation, Route 30, C-1 Zoning.

Mr. Fonzi said this involves four lots along Route 30 near Colonial Manor Road. Courtesy Suzuki plans to build and new KIA dealership at the site of the Stuart Glenn Mobile Home Park. The consolidation will result in one 7.146 acres lot fronting Route 30. The Planning Commission recommended approval of the plan.

c) SP-1-2010, Jim Shorkey KIA Site Plan, 12900 Route 30, C-1 Zoning.

Mr. Fonzi said this is a site plan for a new KIA dealership between Colonial Manor Road and Naponic Lane on Route 30. There are five issues remaining that need resolved. An automobile sales business is only permitted in the Township as a Special Exception which was granted by the Zoning Hearing Board. The applicant proposes to relocate an existing sanitary sewer line. The Planning Commission recommended approval contingent on the following: 1) Approval from N.H.T.M.A. of the proposed sewer relocation. 2) A licensed engineer experienced in geo-technical work must inspect and certify proper compaction of any fill replacement. 3) Approval of the Storm Water Management Plan and Erosion and Sedimentation Control Plan by the Westmoreland Conservation District. 4) PennDOT approval of the Highway Occupancy Permit. 5) Addressing outstanding engineering review issues. They received correspondence resolving all these issues.

Mr. Moffatt asked if there was a road leading to the detention pond.

Mr. Fonzi said that is Oregon Lane which is a private road and they will use that right-of-way to get to the back of the property.

Greg Corneotis, Engineering Firm: The opening at Oregon Lane will remain intact but they applied to PennDOT to widen the access for the carrier trucks to enter there. They applied for a right turn in, right turn out on the western side of the site.

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d) S-8-2010, Keith Parry Plan, Ardara Road, R-4 Zoning.

Mr. Fonzi said this plan was revised to comply with the Subdivision and Land Development Ordinance and was submitted to the Planning Commission. This involves an 11.2 acre lot on Ardara Road that Mr. Parry wants to subdivide into three single-family lots. Only one lot will be a flag lot. The Planning Commission recommended approval of the plan conditioned on approval by the D.E.P. and N.H.T.M.A.

e) RZ-1-2009, Lincoln Hills Phase 8 Rezoning Request, R-1A to C-1A Zoning.

Mr. Fonzi said Mr. Shuster wanted the Township to look at this request again. At the time it was first brought to the Township, it was proposed to create a zoning classification for business parks. In the Zoning Ordinance, there isn't any difference between C-1 and C-1A zoning in commercial and industrial districts. The Planning Department has discussed the possibility of scaling down the uses in a C-1A district instead of creating a new district. Eliminating high rise apartments from C-1A is one item discussed. The C-1A district has been recently amended to allow micro-breweries, so a regulated business park site could possibly be allowed in that district. Mr. Shuster wants a business park like setting for that site and has a concept of what it would look like. The office buildings or restaurant/retail sites would fit into a campus-like setting and there would be walking trails incorporated into the plan. The Planning Commission feels the best way to address it is to restrict the available uses in a C-1A zoning district to those that are compatible with adjoining residential districts. A public hearing must be scheduled on the rezoning request. The two issues are the rezoning to C-1A and revising the table to scale down the uses. The main idea from the Planning Commission is to eliminate the high rise apartment buildings.

Bob Shuster, Lincoln Hills Realty Associates: At the meeting last week, it was discussed whether the area could be made a C-1A district. He feels they should take out canneries, high rise apartment buildings, lumber yards, storage facilities, garages and manufacturing and that is what the Planning Commission is also saying. He has no problem with toning it down. This would keep someone else from putting in whatever they wanted if he ever had to sell the property.

Mr. Fonzi said there can be a revised table that can be voted on in July.

Mr. Dice asked if the table was part of the rezoning.

Mr. Fonzi said there are two issues, first the rezoning and second, revising the table.

Mr. Dice said if you are rezoning to C-1A but changing the uses in that district, that should be part of the rezoning.

Mr. Shepherd said there is a landowner request for the rezoning and there is a text amendment that the Township will do. There will be a hearing on each step.

Mr. Shuster said there are 10 to 12 acres in the front zoned C-1A already, and if they change the zoning, he will have to abide by the new zoning.

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Mr. Dice asked if they could have the chart for June.

Mr. Shepherd said they have to have it 30 days prior to Westmoreland County for review. The next step is for a hearing on part of the parcel in June and then they can do the text amendment. If the Board authorizes the Ordinance, that will be voted on in July.

Mr. Moffatt said the text change will be in July and then voted on in August.

Mr. Gray asked if there was a rush to get it rezoned.

Mr. Shuster said the way it was presented last week, he thought he would have to come back to six or seven different meetings.

Mr. Shepherd said it could all be done at one time but it wouldn't be done until July and the Zoning Ordinance in August.

Mr. Shuster said he would like it to work whatever it takes.

Mr. Shepherd said this hasn't been advertised yet, so it could be done in July.

Mr. Moffatt said he is concerned about the 20 other parcels that will be converted to C-1A and whether they will be notified.

Mr. Fonzi said they will send letters to the property owners and one to the new micro-brewery.

Mr. Moffatt said if they don't want to be in the C-1A district, we should give them the option to be in C-1 district.

Mr. Fonzi said the uses that they were going to scale back weren't in the C-1A district.

Mr. Shepherd said a potential problem is if the C-1 and C-1A are side by side and they each want a different way. They will give them notice so they can speak at the hearing of what they want.

Mr. Fonzi said the C-1A properties are the old Blue Dell Pool, Lincoln Mobile Home Park & Courtesy Suzuki Dealership plus a Car Wash, the Jiffy Lube Plaza and the Holiday Inn Express which will all be notified.

Mr. Gray said they talked about the Nixle Policy in April and having Chief Daugherty write a policy. They asked that all the messages be run by the Chief or the Officer-in-Charge before they went out as a Nixle message but that it couldn't be done on regular basis. He would like a motion made that the Township Manager write a policy regarding the Nixle usage and specifically enable the Police Department to send messages related to active crime events, traffic and utility disruptions and severe weather warnings to use the system and that any other message advisory or public service announcement or event cancellation come from the Township Manager or in the case of a recreation event, the Recreation Director.

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Motion: Mr. Gray So move.
Second: Mr. Haigis

CITIZEN'S INPUT

There was no Citizens' Input.

Mr. Dice said because it isn't on the agenda, a motion is needed to put it on.

Motion: Mr. Gray I'll make a motion to place it on the agenda.
Second: Mr. Haigis

Remarks

Mr. Herold said he would like to get input from Chief Daugherty next Wednesday.

Mr. Martino said he would like Chief Daugherty there to discuss it.

Motion Carried 7 – 0 – 0

Mr. Dice said there is a motion pending to approve it or wait for next week.

Mr. Gray said his motion is to have Mr. Shepherd develop a policy for the Nixle system usage and specifically enable the Police to use it only for active crime events, traffic and utility disruptions and severe weather warnings with any other information coming through administration.

Remarks

Mr. Herold asked if it was in conjunction with Chief Daugherty to establish the policy.

Mr. Gray said it is clear what to do and feels it should come from the Manager and the policy enacted by the Manager and by the Board.

Mr. Martino said he doesn't have a problem with it but he would like the Chief to give his input also.

Mr. Gray said if Chief gives it to Mr. Shepherd by next week, they could have a policy to vote on.

Mr. Shepherd said he would put something together for next Tuesday's mail delivery.

Mr. Moffatt said this would have Mr. Shepherd draft a policy for the Nixle system and he would like to see what they come back with. He is not sure what the restrictions should be.

Mr. Gray said the policy should be specific and those were the only items he thought of. It shouldn't be a general catch all policy.

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Mr. Herold said he is favor of a policy but necessarily by next week as there should be sufficient time to make sure it is done right.

Mr. Moffatt said they are giving Mr. Shepherd direction to come up with a policy for the Nixle system.

Amended

Motion: Mr. Gray

Amended

Second: Mr. Haigis

I'll amend the motion that those should be suggested guide lines including these three situations and come up with whatever else you want.

Motion Carried 7 – 0 – 0

ADJOURNMENT

Motion: Mr. Gray

Second: Mr. Herold

So move.

Motion Carried 7 – 0 – 0

- Special Meeting Minutes of May 13, 2010 were approved by the Board of Commissioners on _____.

Lee D. Moffatt, President

John M. Shepherd, Township Secretary

/mec

