

**TOWNSHIP OF NORTH HUNTINGDON, BOARD OF COMMISSIONERS
SPECIAL MEETING, THURSDAY, NOVEMBER 12, 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	Also Present:
Commissioner Patter	Present	John M. Shepherd
Commissioner Gray	Present	Bruce E. Dice
Commissioner Martino	Absent	Michael M. Turley
Commissioner Moffatt	Present	Andy Blenko
Commissioner Austin	Present	
Commissioner Herold	Present	

PLEDGE OF ALLEGIANCE

CITIZEN'S INPUT

There was no Citizen's Input.

- 1) Public comment for Fairmont-Hahntown Volunteer Fire Department's proposed purchase of a new Rescue Pumper utilizing a tax free loan.

Aaron Everhard, 2270 Trolist Drive: He is the financial secretary for Fairmont-Hahntown Fire Department and their intention is to purchase a 2009 Seagrave Rescue Pumper to replace the 1980 Rescue Pumper. The truck will cost \$503,678 to be financed through S&T Bank and the State. There will be two loans through S&T Bank, one for \$100,000 with a term of one year to pay off when they get the State Loan. The other loan will be up to \$403,678 for a term of up to 20 years.

- 2) Establishment of a stop intersection at Nathan Drive – discussion.

Mr. Shepherd said in a memo from the Police Department, it was recommended to put a one-way stop in the plan.

Mr. Gray asked what the intersection with Nathan Drive was.

Mr. Shepherd stated it is Nicole Drive off Carpenter Lane. He will get an Ordinance prepared for December.

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3) Audit Proposals – discussion.

Mr. Shepherd said they go out for audit proposals every three years and they put out a bid in October and received three bids. Our current auditor is Maher Duessel and there were two other proposals. In the past, they have only received one bid which was from Maher Duessel, so they were appointed. Now it is up to the Board whether they want to stay with Maher Duessel or move forward with another proposal. This is a professional service and they don't have to go with the lowest bidder.

Mr. Patter asked when it had to be decided.

Mr. Shepherd said the Township Code requires it be done in November by Resolution.

Mr. Moffatt said two proposals are close and he has no problem going with Mark Turnley.

Mr. Patter said there are extra fees for two different types of reports and do they get into those.

Mr. Shepherd said not normally and the Rescue 8 audit is separate.

Mr. Moffatt said they have to have an auditor in place for the Township but not for Rescue 8. He asked if they had to have a three year contract.

Mr. Shepherd said it is bid that way, but they don't have to bid it at all. If the Board wants to do it for a year, it is up to them.

Mr. Dice said he has communities that do one year and some do five years.

Mr. Shepherd said the price for Maher Duessel goes up a little every year.

Mr. Moffatt said he would like to see a new auditor and save \$1,000 a year over three years.

Mr. Shepherd said if the Board agrees to do interviews or make an appointment, he would like to get it on the agenda for next week's meeting for a potential vote.

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

4) Request of DeBartolo Development for winter maintenance during the Barnes Lake Road construction.

Mr. Shepherd said they dealt with the waiver request at the last meeting and they want the Township to provide a winter maintenance contract this year for the detour of Barnes Lake Road. This will run through Mills Point Drive in the Wal-Mart development. PennDOT wants some type of winter maintenance in place.

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Jay Adams, DeBartolo Development: PennDOT feels because it is a private road, they would feel comfortable for the Township to enter into a winter maintenance contract with them. DeBartolo will incur the cost.

Mr. Patter asked which road this was.

Mr. Shepherd said it is Mills Point Drive through the Wal-Mart Development and they still have to build a small piece of it.

Mr. Adams said they have to connect Barnes Lake Road to Mills Point. When the H.O.P. is issued, they can make the connection, but they have to have the plan in place for winter maintenance before they can start any construction.

Mr. Shepherd said Mr. Albert went onto the road and feels it is good condition to plow.

Mr. Dice asked how long the road was.

Mr. Adams said it is about a half mile with one way in and one way out.

Mr. Dice said DeBartolo is prepared to pay the costs and how will they establish that.

Mr. Shepherd said they can give him a price based on the time, materials, manpower and equipment.

Mr. Gray asked what the service will cost for the half mile road for the winter. They could possibly set up an escrow account to have the money in advance.

Mr. Shepherd said he would recommend the escrow account.

Mr. Adams said they don't want the Township to be in a billing situation so they would like to set up an escrow.

Mr. Moffatt asked if they needed approval tonight.

Mr. Adams said PennDOT wants it now and if the Board agrees to enter into an agreement tonight, they can inform PennDOT and then legally work it out.

Mr. Gray asked if a motion or consensus was all right so they can have a formal agreement for next week.

Mr. Dice asked if the Board was all right with that and Mr. Shepherd can put an agreement together for next week's meeting.

5) Appointment to Boards and Commissions – discussion.

Mr. Shepherd said he has a list for the Board to review as it needs advertised. Also there are some positions on Emergency Management that will expire which hasn't been advertised in past.

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Mr. Gray said he would like the positions advertised other than Emergency Management because in the past they had asked for a recommendation from the Coordinator.

Mr. Moffatt said there was another resignation from the Recreation Board.

Mr. Shepherd said there will be two appointments for the Recreation Board and also there will be one more for the Planning Commission. That will all be in the advertisement.

Mr. Dice said when the Zoning Hearing Board appointment expires in January, that person does not sit in the position.

6) Planning/Engineering Topics.

a) Planning Commission Agenda Items:

- 1) SP-14-2009, Harrison Auto Sales Site Plan, S-14-2009, Harrison Boundary Line Revision, 12450 Route 30, C-1 Zoning.

Mr. Blenko said this is a plan from October for a site plan and boundary line revision. This went before the Zoning Hearing Board for review because of a decision in July 2006 that limited the extent of the business in the rear. The extension was granted in October 2009 because any auto dealership under the Zoning Ordinance is a special exception. He went to the Zoning Hearing Board in 2006 because of paving a parking lot into the residential lots in the rear crossing the boundary line. He didn't know until after and came to the Zoning Hearing Board who granted the exception for that use of the parking lot. There are two issues with the site plan that include the lighting onto residential properties and storm water management because of the paving added. The Ordinance requires a landscape buffer between the parking area and the residential properties. A letter was sent to the applicant who through legal counsel denies his obligation to address those issues. The Planning Commission tabled the application in October pending more information. He showed the lot on the overhead screen with the two properties behind the auto sales that front Post Street. It is proposed to move the property line to the rear so one lot is giving up land and the other lot is picking it up. They can approve the boundary line revision without approving the site plan. The site plan proposed has a 7,200 sq. ft. building to be added which would be an indoor area to display motorcycles. A small corner of this building would cross the boundary line if it is not moved. The issue is that in 1999 a building addition was added and no thought was given to storm water management. The Ordinance was created in 2003 and between 1999 and 2003 an area was paved that added 9,000 sq. ft. of impervious area. In 2006, 5,900 sq. ft. of paving was added that went into the two residential lots in the rear. He did go before the Zoning Hearing Board to get the approval for that. The three additions made over the past add up to .04 of an acre. With the issue of the lighting, there are 90 degree cut-off fixtures but the post at the end of the parking area is 15' higher than Post Street making the heads higher than 40' above Post Street. The Ordinance doesn't want the light to spill over into residential areas. The homes in the rear of the auto sales are zoned commercial. There is spill over of light at night on the house behind on Post Street. The Zoning Ordinance also requires screening the landscaping for all commercial automobile parking areas containing more than five parking spaces. Mr. Harrison hired an attorney and his position is that in 2006 when he went before the Zoning Hearing Board, they didn't mention storm water management.

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Mr. Dice asked if he came in for a site plan at that time.

Mr. Blenko said he didn't but the Zoning Hearing Board wouldn't rule on that. The building that was built in the 1999 didn't require storm water management because it was below the threshold for storm water management. The Township didn't have any knowledge of the 9,000 sq. ft. paving addition. Mr. Harrison feels that the 2,900 sq. ft. addition and the 9,000 sq. ft. parking area shouldn't be made a condition for the 7,200 sq. ft. building he is proposing. They got an extension until next week to rule on the site plan. As for the lighting issue, this had previously gone before Magistrate Weimer and was ruled on. There was an on-site meeting with Magistrate Weimer, Solicitor Alexander and Mr. Shepherd and the decision was made that there are lights all over Route 30 that violate the Ordinance, so why go after Mr. Harrison. The lighting there does violate the Ordinance.

Mr. Dice asked if the site plan being submitted showed those lights.

Mr. Blenko said it does show the lights, but none are new. The only new lights are wall mounted on the back of the building.

Mr. Dice said there is a plan that shows lights even though they may exist. This is a new issue when he is asking for a new site plan to be reviewed. He has to put in storm water control and lighting that meets our Ordinance.

Mr. Blenko said the Ordinance also requires some type of buffer between residential and the parking area.

Mr. Dice said if this was a new plan for someone else, they would have to do all three issues. Mr. Harrison needs to comply with our Ordinances.

Mr. Blenko said they are probably heading to litigation if they deny it.

Mr. Dice said it is not a defense for him to say that he put it in and no one said anything about it or to say that there are other lights shining on the road.

Mr. Blenko said he has raised the other three issues with the applicant who said what you have is what you'll get. The Planning Commission tabled it and he recommends denial.

Mr. Dice said this is not subdivision issues, so they can approve the boundary line revision and deny the site plan. He asked if it was a large task for the applicant to meet the conditions.

Mr. Blenko feels it is a contest of wills. Mr. Harrison purchased the lot next door and he can put storm water detention on the down hill lot.

Mr. Gray said the plan is to tie the downspouts into the sump and let it percolate into the ground. Would there be a test required for that since most of the ground around there does not perk.

Mr. Blenko feels the calculations submitted are not totally accurate, but Mr. Harrison said that is what you'll get. He feels there needs to be some adjustments to the sumps.

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Mr. Furlin asked if the lights have an affect on the residential area on Post Street.

Mr. Blenko said the lights do have an affect.

Mr. Dice said he only has to box that light off in the back and it is easy to do. This will be an action item for next week's meeting.

The Board of Commissioners held an Executive Session this evening to discuss the following:

- Legal
- Personnel

Mr. Gray said at the last meeting, they were to get the budget in a spread sheet with percentages. He would also like something showing the history of department totals.

Mr. Shepherd said the excel spread sheet will be in the Board's mail tomorrow. He will try to get the department totals by next Tuesday.

Mr. Gray said if it could be put in a graph, but if not, the numbers and percentages are fine.

Mr. Moffatt asked if there was a description for the Emergency Management position.

Mr. Shepherd said the job description will be in the Board's mail on Friday. As far as the pension, he has spoken to P.M.R.S. and the issue on overtime, they have to resolve.

Mr. Moffatt feels it would be better to put someone in as a consultant in that position and do a 1099 instead of a W-2. He doesn't know what this person would be doing after they would get the initial tasks done per week. He would also like to see a job description.

Mr. John Bales, Wilderness Drive: The Regional Recreation Committee is having a public hearing on November 23 at 6:00 P.M. to present the results of the survey mailed out to the three communities. The presentation will be done by the consultant and they would like the public to be there.

ADJOURNMENT

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

Motion Carried 6 – 0 – 0

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- Special Meeting Minutes of November 12, 2009 were approved by the Board of Commissioners on _____.

David E. Herold, President

John M. Shepherd, Township Secretary

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