

**TOWNSHIP OF NORTH HUNTINGDON, BOARD OF COMMISSIONERS
REGULAR MEETING, WEDNESDAY, APRIL 20, 2022, 7:00 P.M.
11279 Center Highway, North Huntingdon, PA 15642
Presiding Officer – Zachary Haigis, President, Board of Commissioners**

CALL TO ORDER

Commissioner Haigis called the meeting to order at 7:00 P.M.

ROLL CALL

Commissioner Stump	Present	Also Present:
Commissioner Atwood	Present	Mike Turley
Commissioner Gray	Present	Solicitor Alexander
Commissioner Zona	Present	Lt. McCurdy
Commissioner Wengrzyn	Present	Dan Miller
Commissioner Gass	Present	Ryan Fonzi
Commissioner Haigis	Present	Rich Albert

PLEDGE OF ALLEGIANCE

OPENING PRAYER – Pastor Ron Gale – Calvary Assembly Church

CITIZENS INPUT

Tom Hempel – 1259 Julius Street – states he is a proud resident of the Township and thanks the Board for all that they do. The Back the Blue event was a big success and in 2022 an even bigger event is scheduled on June 25, 2022 on Main Street in Irwin. The event is called “We Support Our Norwin First Responders” and each line represents the police, fire, EMS, dispatchers, military and so forth. There will be military units, State police and tactical units also present at the event. Commissioner Atwood asks what the times will be and where can you get the signs. Mr. Hempel states it is from 1pm – 6pm and you can get the signs at Palarinos Carwash, Luehms Candy, Irwin Borough and Norwin Landscape.

Jeffrey Bogden – 1866 Sandy Hill Road – states he owns property on Sandy Hill Road next to the cell phone tower that was constructed. He states he is not opposed to the cell tower but found out Tom McGuire ran the variance on his property and subsequently appealed by the Planning Commission which then went to court and Judge Smail ruled in favor of the Planning Commission and upheld the variances. He states it was appealed and through his attorney was told no one ever showed up at the appeal. He states he is not opposed to the cell tower but opposed that he gave up property with no compensation and now has a lot that he cannot sale. He is wondering why no one went to the appeal.

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Leslie Quealy – 10025 Firethorn Drive - states she is here to represent the community voice that is in favor of the senior living facility. She recognizes there are many people at this meeting and previous meetings who have very serious concerns. She states she too has a home within a half mile of the proposed site. She remains confident and excited that that site is an excellent location for the facility. She states she has many people that know her passion for this project and have asked her to get their mother or father into the facility. She is simply asking to consider the voices of the community who do remain in favor of this very worthy and respectable project.

Brian Lest – 9908 Deefield Drive – states in the backyard of the senior citizen facility. He states he is all for the facility but the area behind his home is not suitable for it for one reason is being an eight inch pipe that comes out of his hillside and when it rains, the water runs down the hillside, secondly is the problems with The Trees apartments and police activity that goes on there. He states to contact Excelsior or other property owners to move the facility to another location.

Jana – 9759 Laurel Avenue – states she has lived there since County Hills was built. She states Caruthers Lane is caving in on the sides and was never fixed and she does not know how heavy construction trucks are going to use that road without caving in even more plus the issue of speeding vehicles. She states Fred Crack is now building thirteen homes which is more vehicles using Laurel Avenue. She states they are not against the senior living facility but what about the families that already live there need that need help too.

RESPONSE TO CITIZENS INPUT

Commissioner Haigis states it is a great honor to have Tom Hempel as part of the community.

Commissioner Haigis asks Solicitor Alexander to remark on Mr. Bogden cell tower issue. He states the Zoning Hearing Board granted Verizon and Tower Co. to construct a cell tower and the Board of Commissioners chose to file an appeal to that variance arguing that the Zoning Hearing Board erred in that decision. He states the appeal was heard by Judge Smail and wrote a lengthy opinion dismissing the Zoning appeal and affirming the decision of the Zoning Hearing Board. The Board of Commissioners decided to take an appeal to Commonwealth Court and the hearing date was scheduled however the attorney for Tower Co was talking about ways to resolve the case and it seemed to Solicitor Alexander that it turned more into a financial issue as opposed to a health and safety issue. He states originally Tower Co offered Mr. Bogden thirty five thousand dollars and was rejected. He states the Board said they wanted Tower Co to get a fair market appraisal for what Mr. Bogden's property would be worth and to offer him that amount of money. The property appraised for seventy five thousand dollars and Mr. Bogden's response was no, he would rather they build a tower on his property and give him the land lease. Solicitor Alexander states that was treated as a rejection and the appeal was withdrawn, not that nobody showed up for the hearing. Mr. Bogden states he never got a thirty five thousand dollar offer only a three thousand dollar offer that was rejected. He states he then received the offer of seventy five thousand dollars and felt it was a fair price but could they talk about leasing the bottom part of the land, but got no

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response from Mr. Paroty (sp?) from Tower Co. Commissioner Atwood asks if Mr. Bogden has actual evidence of what he is saying or just his opinion. Mr. Bogden states he has the emails and when speaking with Mr. Alexander thought there was a deal already worked out, but there was no deal. Commissioner Atwood asks if he was offered two offers. Mr. Bogden states he was offered three thousand dollars and then seventy five thousand dollars in which he wanted to talk about leasing instead of the seventy five thousand. Commissioner Atwood asks if he ever accepted that offer. Mr. Bogden states he felt they were still negotiating the lease but never accepted either offer. Commissioner Haigis states the Board was upset with the Planning & Zoning decision so it went to the appeal process and came to the conclusion that they would not be comfortable with the fare market price and that is when the Township removed themselves as part of the process and became between the property owner and Tower Co.

Commissioner Haigis states the senior living facility is on the agenda and agree to discuss at that time.

APPROVAL OF MINUTES

Motion: Commissioner Zona
Second: Commissioner Atwood

Motion to approve. (Special Meeting 3/10/22)

Motion carried 7 – 0 – 0

Motion: Commissioner Zona
Second: Commissioner Gass

Motion to approve (Regular Meeting 3/16/22)

Motion carried 7 – 0 – 0

PAYMENT OF BILLS

Motion: Commissioner Zona
Second: Commissioner Atwood

Motion to approve.

Motion carried 7 – 0 – 0

STAFF REPORTS:

PUBLIC WORKS REPORT

Commissioner Gass asks for an update on the storm drains at the bottom of Ormsby and Niagara as they seem to be sinking. Rich Albert states they are aware of this and have started working on inlet repairs. Commissioner Gass asked for cones to be placed on the drains. Mr. Albert states this will be taken care of. Commissioner Atwood states he was contacted by a resident on Bernice Drive complimenting the Public Works crews on recent road repairs. Her exact words were prompt, courteous and efficient.

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PARKS AND RECREATION REPORT

There were no Board comments.

POLICE REPORT

Lt. McCurdy states the three new officers are doing very well and progressing at a great pace and hope to have them out on the road by their selves soon to help manpower issues and target areas especially speed. Commissioner Gass asks for an update on radar regarding State legislation and states he is in support of the department getting it. Lt. McCurdy states he knows it has moved further ahead so he is hopeful and states Pennsylvania is the only State that does not allow local municipality utilize the device. Commissioner Gass asks if it would be a benefit to the police department. Lt. McCurdy responds absolutely. Commissioner Gass asks if there is anything the Township can do to help get radar. Lt. McCurdy suggests reaching out to the State representatives.

EMERGENCY MANAGEMENT REPORT

ENGINEERING REPORT

FIRE OFFICIAL'S REPORT

There are no Board comments.

SUBDIVISION & LAND DEVELOPMENT APPLICATION REPORT

1) S-04-2022: Mowry Consolidation

***Action to approve a lot consolidation on Walter Avenue.**

Motion: Commissioner Zona
Second: Commissioner Stump

Motion to approve.

Motion carried 7 – 0 – 0

2) S-05-2022: Walsh-Steiner-Garlow Plan

***Action to approve a boundary line revision in Sheridan Terrace.**

Motion: Commissioner Stump
Second: Commissioner Gray

Motion to approve.

Motion carried 7 – 0 – 0

3) S-06-2022: Rebich Subdivision

***Action to approve a subdivision on Walthour Drive.**

Motion: Commissioner Stump
Second: Commissioner Gray

Motion to approve.

Motion carried 7 – 0 – 0

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4) S-07-2022: Cipra Subdivision

***Action to approve a subdivision on Cipra Lane.**

Motion: Commissioner Zona

Motion to approve.

Second: Commissioner Wengrzyn

Motion carried 7 – 0 – 0

5) SP-06-2022: Grand View Senior Residences

***Action to approve a senior housing spanning North Huntingdon & Irwin Borough.**

Director Fonzi reiterates the conditions set forth from Don Housley for his review.

- Stormwater management and erosion control plans must be approved by the Westmoreland Conservation District.
- Stormwater O&M Agreement with North Huntingdon must be signed and recorded.
- Irwin Borough Council must first approve the portion of the development that includes the fifty unit apartment building located entirely in Irwin Borough.
- The Township Engineer must inspect the condition of Laurel Avenue and Caruthers Lane.
- The applicant will enter into a commercial developer's agreement with the Township.
- All outstanding engineering comments from the KU Resources review letters. The motion would also include a waiver of SALDO Section 515.1.A with the concrete boundary corners that they would not be placed because existing iron pins and illegal to remove another surveyors iron pin. One modification is requested and that is that the paving width of the access road would be twenty six feet instead of required twenty four feet.

Commissioner Stump states KU Resources also did additional soil information and result showed some acid soils and fill. Director Fonzi states the geotechnical report was ok and no slope on the site would exceed a two to one slope which is allowable per our SALDO and grading ordinance. Commissioner Stump states since the applicant is only requesting the driveway on the North Huntingdon side, would those soils affect the driveway. Director Fonzi states he did not get that far into the Geotech report.

Commissioner Zona states last week there was discussion on the slope and was said the slope did not fall within the SALDO and asks Director Fonzi to explain. Director Fonzi states in the grading ordinance and SALDO, it says the maximum allowable slope is a two to one slope. Commissioner Gass asks the Board to ask John Frydrych to give further explanation. Mr. Frydrych states they started approximately one year ago by first doing a study of the topography. They also met with the Conservation District. Mr. Frydrych continues with a full explanation of the review process. Commissioner Gass states this is Don Kattic's passion and he is in full support of helping seniors, however still have to consider the residents in the surrounding area. He asks Mr. Frydrych to address the residents who are concerned about losing their back yards. Mr. Frydrych states there are several pipes throughout the proposed complex and those pipes will be intercepted and will

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run the water through the facility and vegetation will also be planted. Also, both Laurel Avenue and Caruthers Lane will be bonded, managed and inspected. Commissioner Wengrzyn asks Director Fonzi based off all the requirements does he feel all have been met. Director Fonzi states he spoke to Don Housley yesterday and he felt confident in everything that was submitted meets all Township ordinances. Solicitor Alexander asks if he has seen anything that doesn't meet Township ordinances and Director Fonzi states he has not. Commissioner Wengrzyn asks outside of the bonding for Laurel and Caruthers, can we work with the developer to get funding to fix the roads. Mr. Spiegle from the Housing Authority states there is a State meeting on May 10th with Irwin Borough, States Representative George Dunbar and County representatives to discuss funding options for Caruthers Lane. Commissioner Haigis asks Solicitor Alexander if this discussion could be tabled to answer remaining questions from the Board.

Motion: Commissioner Haigis
Second: Commissioner Atwood

Motion to table discussion.

ROLL CALL:

Commissioner Stump – YES
Commissioner Atwood – YES
Commissioner Gray – NO
Commissioner Zona – NO
Commissioner Wengrzyn – NO
Commissioner Gass – YES
Commissioner Haigis – YES

Motion to table carried 4 – 3 – 0

SOLICITOR'S REPORT – Solicitor Alexander

- 1) Action to approve or deny the request by Megan Javor for Conditional Use of backyard chicken keeping.

Motion: Commissioner Stump

Motion to approve with conditions that the Javor's agree to the proposed original ordinance and if their situation changes regarding ADA requests that they let the Board know and if any chickens pass away that there are capped at four.

Second: NONE.

Motion: Commissioner Zona

Motion to deny the request of the Conditional Use.

Second: Commissioner Haigis

Commissioner Zona states he feels from the evidence presented at the Public Hearing that the Javor's got the chickens back in 2000 and did not check to see if this was legal and came to know they were in fact illegal, attended Commissioners meetings when chickens were discussed and

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knew the chickens were illegal but never came forward. The Javor's never attempted to report themselves until they received a letter of complaint. Commissioner Zona adds they have seven chickens which seem to be an arbitrary number set by a doctor who is not qualified legally to make that determination and to prescribe. The location of the chickens is also in violation. He states he is against this and should vote no. Commissioner Zona states there is one letter in support of the chickens but three complaints not in favor. Commissioner Atwood asks Director Fonzi does a Conditional Use tie to the property forever or does it expire. Director Fonzi believes it follows the property and if the Javor's would move the next owner would have that available if chosen. Commissioner Atwood asks if there is a process in place for the Conditional Use. Director Fonzi states the process was created from scratch. Commissioner Atwood asks that if the Javor's had not come through that this process would not have been implemented. Director Fonzi states since the ordinance was passed, the process needed to be ready. Commissioner Atwood questions the method of receiving complaints as there is no evidence of being tied to a real person, there is no opposition present to be heard and also had the support of one neighbor. He does not feel the request should be denied. Commissioner Gass adds that Megan Javor meets the definition of ADA Act and also the fare housing act and he is for her having chickens. Solicitor Alexander states there are not emotional support animals under the ADA Act, only service animals, not chickens. Under Federal Fare Housing Act, does support emotional support animals. Solicitor Alexander states he feels there are a lot of other issues that need to be looked at if the Board is going to take action on the issues of disabilities. Commissioner Zona asks on the Fare Housing Act, from what he read that refers to not discriminating against somebody in leasing a house, the sale of a house or providing a mortgage. Solicitor Alexander states he agrees but there are issues that still need to be resolved. Commissioner Stump feels this is more than a reasonable accommodation if conditions are set. Commissioner Zona states if they are emotional support chickens then why are they at the farthest point of their yard and as far away from their house as possible. He states Ms. Javor stated she is on bedrest so how are these chickens emotionally supporting her. Bad behavior should not be rewarded. Commissioner Gray states he is not a fan of chickens and would not want his neighbor to have them, but the Javor's jumped through every hoop the Township put in front of them. Commissioner Haigis states the current ordinance in place Ord. #811, states the area requirements for R-2 District is twenty acres and Section 811.2 states structures should be centrally located and minimum two hundred fifty feet from property line. He states their property is not large enough to meet that requirement.

ROLL CALL:

Commissioner Stump – NO
Commissioner Atwood – NO
Commissioner Gray – NO
Commissioner Zona – YES
Commissioner Wengrzyn – NO
Commissioner Gass – NO
Commissioner Haigis – YES

Solicitor Alexander states instead of trying to formulate another motion to approve, he suggests to take thirty days for more discussion. Commissioner Gray suggests to bring it back with conditions before voting. Commissioner Stump asks Director Fonzi if he has the old proposed ordinance that

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has the conditions. Director Fonzi states there are several drafts and the Board has forty five days to render a decision based on the Public Hearing, which will give thirty nine days left.

Motion: Commissioner Gray
Second: Commissioner Stump

Motion to table.

ROLL CALL:

Commissioner Stump – YES
Commissioner Atwood – YES
Commissioner Gray – YES
Commissioner Zona – NO
Commissioner Wengrzyn – YES
Commissioner Gass – YES
Commissioner Haigis – NO

Motion passes to table – 5 – 2 – 0

TOWNSHIP MANAGER’S REPORT

- 1) Action to approve the March check register.

Motion: Commissioner Zona
Second: Commissioner Wengrzyn

Motion to approve.

Motion carried 7 – 0 – 0

- 2) Budget Report – March 2022 Report.
- 3) Motion to support the Earth Day Cleanup Project on Saturday, April 23, 2022.

Motion: Commissioner Atwood
Second: Commissioner Wengrzyn
Abstain: Commissioner Gray

Motion to approve.

Commissioner Stump asks if Commissioner Wengrzyn was able to get additional information for the Board. Commissioner Wengrzyn states she spoke with Westmoreland Cleanways and picked up the supplies. She also contacted the Chief for support and to be out on the roads with them for safety and also Rich Albert, Director of Public Works to help collect the trash bags. Commissioner Wengrzyn states boots are not necessary but to provide the vests. Commissioner Stump asks if this is a Westmoreland Cleanways project or Township? Commissioner Wengrzyn states it is herself acting in her Township role. Commissioner Zona clarifies it is a Township project. Commissioner Gray asks if she was able to get something from PADot to be on Route 30. Commissioner Wengrzyn states Westmoreland Cleanways works with PADot and there are no issues being on Route 30. She states she put a call into PADot and is waiting for a return call. Commissioner Gass asks Lt. McCurdy if they will receive police support. Lt. McCurdy states they have done this in the past, most recently for Norwin Landscape and the Race for Grace. He states it was on a Sunday morning and he feels timing has a lot of safety factors. He recommends Sunday mornings as the traffic flow is extremely low and he also would really prefer the police department

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be involved in some of the decision making for projects like this. Commissioner Wengrzyn states she spoke with Chief Rizzo about this and was told she would have support. Lt. McCurdy states this is the first he has heard about this and would have definitely suggested Sunday morning instead. Commissioner Haigis also wants the volunteers to sign the waiver forms. Commissioner Gass asks if Commissioner Wengrzyn would consider Sunday morning based on the traffic and safety that Lt. McCurdy mentioned. She states she is not opposed, but has already advertised to get volunteers.

Motion carried 6 – 0 – 1

- 4) Action to approve a Resolution for Plan Revision for New Land Development for Nathan & Jessica Alberts on Meadow Road.

Motion: Commissioner Zona
Second: Commissioner Gass

Motion to approve.

Motion carried 7 – 0 – 0

- 5) Motion to approve the disbursement of Lincoln Corner Plan escrow fund remaining balance of \$10,073.95.

Motion: Commissioner Zona
Second: Commissioner Gass

Motion to approve.

Motion carried 7 – 0 – 0

- 6) Motion to approve advertising of Ordinance No. 2280 restricting right turns from Route 30 Eastbound to Mountainview Place.

Motion: Commissioner Wengrzyn
Second: Commissioner Zona

Motion to approve.

Motion carried 7 – 0 – 0

- 7) Motion to approve the revised drainage easement at the Carney Property Tax Map #54-06-10-0-179.

Motion: Commissioner Stump
Second: Commissioner Zona

Motion to approve.

Motion carried 7 – 0 – 0

- 8) Motion to request an engineering study on the posted speed limit on Robbins Station Road by PADot.

Motion: Commissioner Atwood
Second: Commissioner Gray

Motion to approve.

Motion carried 7 – 0 – 0

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9) Motion to approve a revised Township email policy.

Motion: Commissioner Zona
Second: Commissioner Gass

Motion to approve.

Commissioner Gray states he had asked for this to be removed from the agenda and makes a motion to table because there is nothing in front of the Board that says what the existing policy is and what the revisions are in writing.

Motion: Commissioner Gray

Motion to table.

Commissioner Zona states point of order Mr. President a motion to table cannot be debated. Commissioner Stump states she does not think you can have, as a point of order, a second motion while there is one active. Commissioner Haigis states you can motion to table but will need a second.

Second: Commissioner Atwood

ROLL CALL:

Commissioner Stump – NO
Commissioner Atwood – YES
Commissioner Gray – YES
Commissioner Zona – NO
Commissioner Wengrzyn – NO
Commissioner Gass – NO
Commissioner Haigis - NO

Motion fails 2 – 5 – 0

Commissioner Zona states this is an email policy that all Commissioners and employees have to use an @nhtpa.us. email address for Township business and feels it is common sense and simple to understand. Commissioner Atwood states his concern with this is to echo Commissioner Gray and does not know what the policy is now and hasn't seen it. Commissioner Gray states he would like to see the current policy. Commissioner Haigis states the former manager wanted to provide all the same email addresses so in case of a right to know request or any litigation that could be readily available have access. He states this was not mandated just recommended. Commissioner Haigis states he received an email from a resident asking why was a certain Commissioner using a different email address and this is why he brought this up. The policy states that all communication from staff or consultants dealing with Township business will be sent to all Commissioners at the @nhtpa.us. Commissioner Zona states he is not for government overreach and states if there is a right to know request would be very easy to get it from a server or cloud but if someone is using a private email would have to be downloaded and will cost the Township money to do so. Commissioner Stump agrees with Commissioner Zona in that the move has the potential to save the Township a lot of money. She states it is very easy the pass through the emails from a Township email to personal. Commissioner Atwood states if it doesn't say it in the policy. Commissioner Haigis states the emails would be sent to the North Huntingdon email and what you do with them from there is your discretion.

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ROLL CALL:

Commissioner Stump – YES
Commissioner Atwood – NO
Commissioner Gray – NO
Commissioner Zona – YES
Commissioner Wengrzyn – YES
Commissioner Gass – YES
Commissioner Haigis – YES

Motion carried 5 – 2 – 0

- 10) Motion to appoint Brandon Leonatti to the Recreation Advisory Board with a term expiration of 12-31-2027.

Motion: Commissioner Wengrzyn
Second: Commissioner Stump

Motion to approve.

Motion carried 7 – 0 – 0

- 11) Motion to appoint Harry Faulk as Township Secretary, Township Right To Know Officer and Treasurer.

Motion: Commissioner Atwood
Second: Commissioner Stump

Motion to approve effective May 2, 2022.

Motion carried 7 – 0 – 0

- 12) Motion to hire Aaron Bowen for a seasonal position in the Parks Department.

Motion: Commissioner Stump
Second: Commissioner Zona

Motion to approve.

Motion carried 7 – 0 – 0

Commissioner Atwood asks if seasonal employees conditional to any drug screening. Mike Turley states yes, they are drug tested.

- 13) Motion to hire Vincenzo Fiorilli for a seasonal position in the Public Works Department.

Motion: Commissioner Stump
Second: Commissioner Wengrzyn

Motion to approve.

Motion carried 7 – 0 – 0

FURTHER BOARD COMMENTS

Commissioner Zona calls on the Tax Collector to get the tax office back open. He feels we are beyond closing because of COVID and the mask mandate was just lifted. He states residents want to come in and speak with someone from the tax office and our front office is dealing with residents who are upset the tax office is closed. He states the tax collector just ran for another term and was

sworn in and needs to uphold her oath and open the office. Commissioner Atwood asks Solicitor Alexander if the Board has any authority to influence. Solicitor Alexander states the only authority over the tax collector is the extra compensation provided and you can't compel her to be here but can lose assistance. Commissioner Haigis states the Township helps the tax office with providing supplies, so possibly in future years to stop providing those benefits. Commissioner Atwood states he doesn't see any need for office supplies if the office is not open.

Commissioner Gass asks for support for Duane Kucera at the spaghetti dinner fundraiser. He also states upon learning more information, he is asking the Board for a redress regarding Bruce Hamilton and the property on Bonnie Drive. Commissioner Haigis clarifies that Mr. Hamilton can reapply and with the Board's denial, he had no appeal, but can reapply for another Public Hearing.

Commissioner Gray states now that the email policy is revised, he would like his email address removed from the Township website all together and provide his phone number instead. Commissioner Haigis states he does not have a problem with removing the email address, but it may seem a little odd why one Commissioner does not have an email provided, but if Commissioner Gray would rather have his phone number listed, then he wouldn't have an issue with it.

Commissioner Haigis thanks Mike Turley for filling in as interim Township Manager.


ADJOURNMENT

Motion: Commissioner Gass
Second: Commissioner Zona


Motion to adjourn. (8:57 P.M.)

Motion carried 7 – 0 – 0

- Regular Meeting Minutes of April 20, 2022 were approved by the Board of Commissioners on May 18, 2022.



Harry R. Faulk, Township Manager
/jjm



Zachary Haigis, President