

REGULAR MEETING –February 15, 2010

The meeting was called to order at 7:00 PM by Commissioner Greg Curl at the Municipal Building in Morgan, PA 15064.

PRESENT: CURL, CAFFREY, GABRIEL

ABSENT: SRAY, COX

ALSO PRESENT: Township Manager: Michael W. Hoy, Township Solicitor: Jonathan Kamin

APPROVAL OF MINUTES:

It was moved by CAFFREY and seconded by GABRIEL with all Commissioners present voting AYE to approve the minutes of the regular meeting held on January 18, 2010.

PETITION OF CITIZENS/PERSONS REQUESTING TIME – None

CORRESPONDENCE - None

CONSENT CALENDAR ITEMS

- A. DEPARTMENT REPORTS**
- B. PAYMENT OF BILLS**
- C. AMENDMENT TO AGENDA**

It was moved by CAFFREY and seconded by GABRIEL to approve the consent calendar items. All members present voted AYE to the motion.

LIAISON REPORTS

Commissioner Curl-The Facilities Meeting was cancelled. As Commissioner Caffrey stated, I did attend the Planning Commission Meeting. I think the recommendation coming from the Planning Board on oil and gas is heading in the right direction. It is something we do not want to do too fast but we need to get it done. Eventually you are going to see drilling in the Township. Hopefully we can work it out so it covers everything we need to cover. We did have a Parks and Rec Board Meeting at the beginning of February. We did talk about the oil and gas for the Boys Home. We went over whether it was something they wanted to pursue or not. The way we left is was they were going to make a recommendation from the Parks and Rec and then it will come to us. Together we will sit down and go over the whole thing to see if it is something we want to do or not. The COG meeting is Thursday in Crafton.

Commissioner Gabriel-I attended the Act 32, Earned Income Tax Collection. They elected officers. On the Mayview Task Force, they received two bids. No meeting date has been scheduled. They next meeting should be when they disclose the bids.

Commissioner Caffrey-The Community Feasibility Study Group has been delayed. This is the first and last time the group will review the draft recommendations. The last date I heard was March 2nd before the Parks & Rec meeting which is not ample to review it. Assuming that there is some consensus they will be a recommendation coming to our Board next month. The one thing we have not discussed is there is not always a concensus. Usually people buy into the process but do not always agree with the recommendations. In other groups that I have been a part of, everybody did not agree with everything. If you were a descending voice and you wanted to write a little note why you did not agree, that would become a part of what the Commissioners would read. We will see what the group wants to do in the future. I met with the Comprehensive Plan Group last month and they meet again next week. There is a lot of legwork that needs to get done at this point. They are going over sources for different kinds of data. We are really just getting started. I, along with Greg, attended the Planning Commission Meeting this month where they had some very good discussion about the proposed drilling ordinance. The minutes of the Planning Commission sum up pretty much the discussion. It became a round table discussion with the few people who where there in the audience. Where we left it was in March Dave Gardner is going to organize a joint meeting with the Planning Commission and the Commissioners to have more round table discussion. He is also going to arrange another tour with Range Resources and Mark West. Anyone who did not see what the rigs look like and what compressor stations look like, you can actually go out and see that stuff and ask questions first hand to the people doing the work in the field.

Last Monday Dave Gardner and I went to Cecil's meeting where Range has in compliance with their pending ordinance, organized a community meeting where they invite people in a certain area of the Township where drilling will be starting. They do a presentation and question answer period. Dave and I went because our direct ordinance also has that requirement and we wanted to see what one of these meetings looked like. There were about 50 people there. Five were Range employees, 6-8 were municipal authorities or staff, the remainder were community members. It was a very interesting meeting.

MANAGER'S REPORT

Mr. Hoy-My monthly report is included in your packet. As Sue noted the next Comprehensive Plan group meeting is February 22nd at 7:00 PM here. I also wanted to pass on that we held the departmental head meetings with the architect. The resident steering group has been formed and will probably have their first meeting at the end of this month. The computer committee continues to work on the E-gov website. We are hoping to have a recommendation on the software sometime in July.

Commissioner Caffrey: Did we get any more applicants for our open positions?

Mr. Hoy: The only one we received was a gentleman for EAC.

Commissioner Caffrey: Could you email what positions we have open and we could network a little more because we need to find people for these boards.

Commissioner Curl: Should we try to interview at the Workshop in March?

Mr. Hoy: You cannot make an appointment until the next Voting Meeting anyhow so you might as well wait until March. We have Zoning Hearing Board, Parks & Rec and another one on the EAC. I will send again the whole list. If we can schedule any at the next Workshop, that would be great.

Commissioner Curl: Is that on the TV channel too?

Mr. Hoy: Yes.

SOLICITOR'S REPORT

Mr. Kamin: I am circulating a resolution that we passed out at the Workshop Meeting. It confirms the disaster declaration. This is standard operating procedure. Once there is a disaster declaration confirmed by us and declared by our President, and sent to Emergency Management we wanted to ratify it so that in case we were eligible for Federal funds we would have something to provide them. At this point we need a motion to adopt Resolution No. 1 of 2010.

Commissioner Gabriel: I will make that motion.

Commissioner Caffrey: Second.

All commissioners present voted AYE to the motion.

Commissioner Curl: I have one question. When we had this state of emergency and we are going out on this emergency management plan, and these guys are trying to get people out of their houses because they have an emergency due to doctor's appointment or no electric or have to get to a hospital, is there some way we can do an ordinance or something that says if we go through this trouble of getting someone out and it is not a true emergency that we...I am hearing too many things that we are spending our money trying to help these guys out if it is a true emergency. Then we find out it is not really a true emergency. Is there a way we could...

Chief Volle: I think there is something in the crimes code we could already use. We ran into this before. Once we get them dug out this is no way we are going to follow up on them.

Commissioner Curl: If that is something that we know, should we as a Township say, "hey we can't spend our time helping you out if it is not a true emergency." Or let people know that they will be fined if we find out that you do not have a true emergency and we are spending our time getting you out when we could be helping someone with a real emergency.

Commissioner Caffrey: Have you cited anyone?

Chief Volle: No we have not.

Commissioner Caffrey: Would you ever consider it?

Chief Volle: We consider it. The one family that did it to us, their daughter did go to a warming center, and they went out to lunch. The other one we dug out, I do not know how many miles we dug to get to her; when we got there she said she could not go to a warming center because they would not take pets. She went to stay with family members.

Commissioner Curl: That's OK because she had no heat or electric.

Chief Volle: She originally called us for a medical emergency. She said she had to get to the hospital.

Discussion continued on the snow emergency issues.

Mr. Kamin: The Manager and I met with the union and their representative and the State appointed mediator last Thursday. We had mediation and expect a written decision; it is non-binding by either party, at some point this week. Our feeling is that it went very well.

We did review and get out the lease on the agenda for action tonight.

Mr. Hoy: There is another grievance in the pipeline. The Board needs to decide whether you want to meet as a whole or a committee.

Mr. Kamin: I want to have an Executive Session to talk about that and one other personnel matter.

OLD/UNFINISHED BUSINESS - None

NEW BUSINESS

- A.** Consider a request from Elyse Rosenfield to waive penalty and interest on her 2008 Earned Income Tax in the amount of \$14.75.

Mr. Hoy-This was discussed at length at the February Workshop. The applicant was at the meeting at the time to explain her case. She has requested a refund of \$14.75 and staff is recommending approval.

It was moved by GABRIEL and seconded by CAFFREY to approve the request from Elyse Rosenfield to waive penalty and interest on her 2008 Earned Income Tax in the amount of \$14.75. All members presented voted AYE to the motion.

- B.** Consider F-01-10, Stepolaitis Plan of Lots No. 3, Minor Subdivision, Morgan Hollow Road, Zoned R-2.

Mr. Hoy-This was reviewed at our Workshop Meeting in February and also came forth from the Planning Commission's January meeting where they recommended approval. Staff is recommending approval with conditions outlined in Attachment 12B of your packet.

It was moved by CAFFREY and seconded by GABRIEL to approve F-01-10, Stepolaitis Plan of Lots No. 3, Minor Subdivision, Morgan Hollow Road, Zoned R-2. All members present voted AYE to the motion.

C. Consider F-02-10, Willowbrook Consolidation of Lot Plan, Minor Subdivision, Weeping Willow Drive, Zoned R-1.

Mr. Hoy: This application was reviewed at the February Workshop Meeting and also came forth from the Planning Commission at their January meeting where they had recommended approval. Staff is recommending approval with conditions outlined in Attachment 12C of your packet.

It was moved by CAFFREY and seconded by CURL to approve F-02-10, Willowbrook Consolidation of Lot Plan, Minor Subdivision, Weeping Willow Drive, Zoned R-1.

Commissioner Gabriel abstained.

Commissioner Caffrey: Could I ask for the reason for your abstention?

Commissioner Gabriel: There are some unanswered questions. We have received some complaints, as you know. Based on the information I have I think we should wait and see what happens.

Commissioner Caffrey: This was a lot line revision at the request of the property owner.

All members present voted AYE to the motion.

D. Consider F-03-10, Lakemont Farms Lot 7A, Unit A Consolidation Plan, Minor Subdivision, Parkside Drive, Zoned R-3.

Mr. Hoy: This application was also reviewed at our February Workshop Meeting and it came forth from the Planning Commission where they had recommended approval. Staff is recommending approval with conditions outlined in Attachment 12D of your packet.

It was moved by CAFFREY and seconded by GABRIEL to approve F-03-10, Lakemont Farms Lot 7A, Unit A Consolidation Plan, Minor Subdivision, Parkside Drive, Zoned R-3.

Commissioner Caffrey: I was at the Planning Commission where they discussed this, and as I recall there was an issue of this one property owner having a property line dispute with the Home Owners Association. I guess my question is, was it an issue of how the subdivision was recorded, how the individual lot was recorded and will this resolve this?

Mr. Hoy explained this issue and how it will be resolved.

All members present voted AYE to the motion.

E. Consider awarding a contract to American Fireworks for the 2010 Fireworks display in an amount not to exceed \$9,000.

Mr. Hoy: This was reviewed at our February Workshop Meeting and came forth from the Parks & Rec Board at their February meeting where they recommended contracting with American Fireworks. Staff is recommending approval.

It was moved by GABRIEL and seconded by CURL to award a contract to American Fireworks for the 2010 Fireworks display in an amount not to exceed \$9,000.

Commissioner Caffrey: Does this fit into the budget?

Mr. Hoy: Yes, of course.

All members present voted AYE to the motion.

F. Consider authorization to advertise a Request for Proposals (RFP) for Planning Services in the design on a master site plan for Treveskyn Park.

Mr. Hoy: This also came from the Parks & Rec Board where they had recommended at the February meeting to issue the RFP. This would be authorization to advertise the RFP. When the proposals come back you will see them again. Staff is recommending approval to advertise.

It was moved by CURL and seconded by CAFFREY to authorize advertisement of an RFP for Planning Services in the design on a master site plan for Treveskyn Park.

Commissioner Caffrey: I guess I do not recall this being on our agenda for this year. I want to verify that this is the analysis that was budgeted for this year.

Mr. Hoy: Yes it is. Jerry received a grant last year for this project. It was a 50/50 match for the master site plan itself.

All members present voted AYE to the motion.

G. Consider a resolution authorizing the submission of a grant application to DCNR for the construction of a community center.

Mr. Hoy: This was also discussed at the February Workshop and came forth from the Parks and Rec Board. Staff is recommending approval of Resolution No. 2 of 2010. All this does is authorize submission of the grant application.

It was moved by GABRIEL and seconded by CURL to adopt Resolution No. 2 authorizing the submission of a grant application to DCNR for the construction of a community center.

Commissioner Caffrey: How do we submit a grant application for something we don't know if we are going to build?

Mr. Hoy: If you secure the grant and you don't build, you do not accept the grant.

Commissioner Caffrey: The request for the grant does not require any outline of what is intended or a sketch plan? It just requires we think we are going to build it and here is how much money we would like.

Mr. Hoy: The more you include in your application the better off you are in securing the funds, but you are not required to submit any detail.

Commissioner Caffrey: Is this one of those things that you have to walk thru the process for a number of years...submit your application this year...submit it next year. Is it one of those bureaucratic things?

Mr. Hoy: This is the third time we have submitted this application.

All members present voted AYE to the motion.

H. Consider a resolution authorizing the submission of a grant application to DCNR for the installation of field lighting at Morgan Park.

Mr. Hoy: This comes forth from the February Workshop as well as the Parks and Rec Board February meeting where they had recommended approval of submitting the application. This is the resolution authorizing submission of the DCNR application. This is Resolution No. 3 of 2010.

It was moved by GABRIEL and seconded by CAFFREY to adopt Resolution No. 3 of 2010 authorizing the submission of a grant application to DCNR for the installation of field lighting at Morgan Park. All members present voted AYE to the motion.

I. Consider a proposed lease agreement in Fairview Park for the installation of a light pole to service as an antenna.

Mr. Hoy: This item discussed at both the January Voting Meeting and February Workshop Meeting. It also came for the from the Parks & Rec January Meeting where they had recommended entering into an agreement for the installation of an antenna at Fairview Park in the amount of \$1500 a month with \$500 of that to go to the fire department. The solicitor was to provide a final lease agreement, which is included in your packet. We are recommending approval.

Mr. Kamin: We made some comments; there were some things with the note, no real big deals. Little things like we have been promised that it is going to be on a light post. It never said it was going to be on a light post. The description of the land was not clear as to exactly where it was going. We made a bunch of changes to deal with those issues. I do not have a problem with the motion. I would say, "subject to review and approval of my office and the staff", so that if Tom would like to sign it prior to next week he could do that.

Commissioner Curl: Should be table it until next meeting?

Commissioner Caffrey: Is there any reason we can't wait seeing as we do not have the final lease?

Mr. Hoy: No. I think there is a timely issue. We were originally give the date of the 15th to have the lease approved. Whether or not they will withdraw the lease agreement, I am not sure. They have indicated in correspondence with Jerry that this is the last go around. They have been waiting long enough for a lease agreement. I would request that you authorize it with final approval from the Township Solicitor on the content of the final lease. I do not see that there will be any significant changes from what you have provided. If your preference is to table it...

Discussion continued on this item.

Commissioner Caffrey: I will make a motion to approve a proposed lease agreement with Clearwire subject to the condition that prior to Tom Sray, the Board President, signing it, that each Commissioner is forwarded a copy and responds confirm receipt, to the Manager.

Mr. Hoy: Can you also place on there that the final lease agreement will have to be approved by the solicitor?

Commissioner Caffrey: And number two, subject to review and recommendations of the solicitor and staff.

Commissioner Gabriel: I will second but I have one question on it. We are assuming that Fairview Fire Department is agreement with this lease agreement. Are they in agreement with this lease?

Mr. Hoy: Yes.

All members present voted AYE to the motion.

EXECUTIVE SESSION – LEGAL MATTER & LAND PURCHASE

Mr. Kamin: We have two brief matters for Executive Session and I anticipate continuing the meeting.

It was moved by CAFFREY to adjourn to Executive Session noting the solicitor's reasons for the Executive Session.

Mr. Kamin: Sure. They are personnel and personnel.

It was seconded by GABRIEL. With all members present voting AYE to the motion.

Mr. Kamin: Motion to continue the meeting until 7:00 PM, March 8th.

Commissioner Caffrey: So moved.

Commissioner Gabriel: Second.

All members present voted AYE to the motion.

Michael W. Hoy, Township Manager

Thomas J. Sray, President

Date

Date

CONTINUATION MEETING – March 8, 2010

The meeting was called to order at 7:00 PM by Commissioner Thomas Sray at the Municipal Building in Morgan, PA 15064

PRESENT: SRAY, CURL, GABRIEL, COX, CAFFREY

ALSO PRESENT: Township Manager: Michael W. Hoy,
Township Solicitor: Jonathan Kamin

It was moved by CURL and seconded by GABRIEL to close the continuation meeting.

All members present voted AYE to the motion.

Michael W. Hoy, Township Manager

Thomas J. Sray, President

Date

Date