

**TOWNSHIP OF NORTH HUNTINGDON, BOARD OF COMMISSIONERS
SPECIAL MEETING, THURSDAY, JUNE 10, 2021, 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	Tele-conference	Jeffrey Silka
Commissioner Blasko	Present	Mike Turley
Commissioner Zona	Present	Solicitor Dice
Commissioner Bevan	Present	Ryan Fonzi
Commissioner Gass	Tele-conference	
Commissioner Haigis	Present	

PLEDGE OF ALLEGIANCE

CITIZENS INPUT

Shane Spielvogel – 2000 Haflinger Drive – Executive Director for North Huntingdon - states he is in support of Work Session Topic #7 for alcohol permits in the parks. He states Rescue 8 is having a food truck and music festival on August 28th in Oak Hollow Park and some of the vendors that would add to the draw of the event are local micro-breweries and other distilleries. The festival directly funds some of the non-emergency work such as car seat installations, CPR / First Aid training, immunizations for flu shot and COVID. He states this helps bolster some of the non-funded budget items and he is asking for any support available for the August 28th event.

Zak Davies – 14500 Michael Drive – thanks Commissioner Zona for stopping the mail delivery from the police officers to the Board of Commissioners. He also states he would appreciate more time spent looking into his local fire department. He states there is a problem and more calls are being dropped. He notified the County Commissioners and spoke with State Representatives about this. He would like to hear from the Board if they think this is ok to happen.

RESPONSE TO CITIZENS INPUT

Shane Spielvogel – Alcohol Permits – Commissioner Haigis states this can be addressed during Work Session Topics.

Hartford Heights VFD – Commissioner Haigis states Manager Silka is getting information and data on the dropped calls from all the fire departments. Manager Silka states he is hoping to get a spreadsheet to the Board next month as there is a lot of data to go through. Commissioner Blasko states they are trying to create incentives for people to volunteer.

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Scott Gest – 10 Bethel Road – states he was referred to as fat cancer by the Chief because he was inquiring about issues with corruption in the bar at Hartford Heights VFD. He states they lost the top five people because of it. Commissioner Zona asks if that is the main problem that there are not enough volunteers or are they just not responding. Mr. Gest responds it's both and maybe it's time to consider consolidating. Commissioner Haigis states once they get the information of the dropped calls can discuss as a Board. Commissioner Atwood asks who is in charge of installing the Chief and Lieutenant at the fire department. Commissioner Haigis states it is done by each individual fire department by voting on their officers from acting members.

Work Sessions Discussion Topics

1) No Tobacco in Parks Proposed Ordinance Amendment

Manager Silka states the current tobacco ordinance in 2019 is to prohibit the use of tobacco products in the parks, however complaints reported to the police department and administration office found there are no enforcement measures with the current ordinance. The draft ordinance was adopted and the enforcement is to ask them nicely to leave. In meeting with Chief Rizzo, found it would have to escalate into a trespass violation and end up taking out people in cuffs which nobody wants to see that. He asks the Board if they would like to see enforcement powers, amending the ordinance, to allow issuing fines up to six hundred dollars.

Commissioner Blasko states he is a frequent visitor to Indian Lake and it seems to be a lot of the fishermen who are smoking. Signs are posted and is well indicated of the policy but is being disregarded. He is in favor of moving forward with the enforcement.

Commissioner Stump agrees with Commissioner Blasko in being able to possibly charge with littering as well. She states all the fines should be looked at in consideration of wage inflation.

Manager Silka states the fines are addressed statutorily of the codes.

Commissioner Atwood concurs with Commissioners Stump and Blasko.

2) No Thru Traffic in Townhouse Parking Lot

Manager Silka states there is an increased problem with thru traffic in the parking lot as people try to miss the light especially during the morning and afternoon rush. He states he was almost hit by a car while walking to his car around 11AM going approximately twenty five to thirty miles per hour. Signs were posted at each entrance however without an ordinance no traffic enforcement can be done. He states he would like the Board to consider an ordinance to ban thru traffic in the parking lot.

Commissioner Stump asks if the Township parking lot is public property. Manager Silka states the parking lot is public to walk on it but private property whenever it goes to enforcing laws. Commissioner Stump asks how this would be enforced and might it be

better to use a traffic calming device such as speed bumps or something to discourage driving thru.

Manager Silka states traffic calming devices mean you want traffic to be there and is used to control. He states he can have an officer stand in the parking lot and would only probably take a few citations to get the word out.

Commissioner Zona states to also use an enforcement tactic called Information Received so if someone would see a car come through and gets their license plate number, the police can cite that person.

3) St. Agnes Banner Request

Manager Silka states this is an annual request from St. Agnes church to hang their banner on Route 30 from July 26th to August 10th.

4) Penn's Woods Civic Association Fireworks Request

Manager Silka states this is a request from the Penn's Woods Civic Association for their Fourth of July fireworks. Commissioner Blasko states they are fundraising for the fireworks if anyone wants to make a contribution as the cost is approximately sixteen thousand dollars.

5) American Rescue Plan Act – Funding Update

Manager Silka states the Township received the confirmed allocation of three million one hundred seventy nine thousand six hundred forty dollars and thirty two cents in fifty percent allocations. He states the accounts are set up and the money should be received mid-July and have until 2024 to spend it. He also states this will also cover the cost of the HVAC system which will go out to bid at the end of the month.

6) Route 30 / Cherry Lane Staff Update

Manager Silka states at last meeting there was concern about Cherry Lane and Route 30 and Commissioner Atwood asked if No Left Turn signs would help, so Bob Robinson went to look at the sight distances at Cherry Lane, Soltis Lane and Shrader Lane and found there is inadequate sight distances. His recommendation is to pursue with PADot No Left Turn signs as they are coming through with the Route 30 project.

7) Alcohol Permits in Parks (Requested by Commissioner Blasko)

Commissioner Blasko states this was something discussed by the Board as potential revenue source for the future. He states his only concern with this would be any insurance liability that would fall on the Township, but from his understanding all other State laws and LCB rules are into play. There are a number of neighboring communities that allow alcohol for no charge or slight upcharge which would help increase revenue for weddings and reunions. He asks Solicitor Alexander if there would be any backslides.

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Solicitor Alexander states there are always a chance to get sued for something but could add in language in the permit that the applicant indemnifies and holds the Township harmless should anything occur. He states you could also require the applicant maintain a certain level of insurance and named the Township as an added insured.

Commissioner Haigis states he is comfortable in moving forward but would like to see some language about not holding the Township liable for any alcohol events. He states most fees are around fifty dollars and should talk with Dan Miller.

Manager Silka states he and Dan Miller were having discussions the morning he received the email from Commissioner Blasko. He states Dan would be in favor of this and would recommend to the Board.

Commissioner Blasko asks Manager Silka if individual pavilion rentals or food trucks would require an individual permits.

Manager Silka states in Johnstown was assessed individual permits and in Robinson issued event permits. In most places permits would go with a pavilion rental.

Commissioner Atwood states he has a couple of concerns regarding this, the first one being the possibility of bringing extra responsibility on the police to patrol and he feels this will cause our parks to become unsafe for children.

Manager Silka states he has worked in communities that have alcohol permits and have not seen any uprise in the alcohol from the permitted activities instead of finding the alcohol in the dark recesses in the parks after hours.

Commissioner Atwood states he still has reservations about allowing alcohol in the parks but can discuss further. Personally, he feels that once alcohol gets introduced into a setting then things generally go downhill from there. He states he will not support this and can count his vote as a no.

Commissioner Gass agrees with Commissioner Atwood to a degree and he feels further discussions are needed. He states all it takes is one person who had too much to drink and get into their vehicle and make a life altering decision. He would likely also vote no.

Commissioner Zona states from experience he does not recall an issues in all the parks in Westmoreland County. He states he's not saying nothing can't happen, it definitely can, but we have a good police department who are well-trained.

Commissioner Blasko states to remember is that you have to apply for the permit and he does not feel people are purposely going to the parks to consume alcohol and even at this point Chuck E. Cheese allow patrons to consume alcohol. He does not feel by allowing alcohol in the parks that is further enhancing any risk and it all comes down to the individuals personal responsibility, but he feels the risk is inherently low.

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Commissioner Atwood states one person getting a permit is not going to deter but what if someone under twenty one drinks or someone gets into their car and wrecks into a playground and kills a child. He states he will not support this.

Commissioner Blasko states unfortunately that can happen at any situation in a bar, hotel, etc.

Commissioner Atwood states he is not personally responsible for how Chuck E. Cheese or a hotel or bar manages. He is however personally responsible for how the Township manages and keeps their constituents safe.

Commissioner Bevan states she would like to look into having a requirement for having additional insurance because it is very inexpensive and would cover damages.

Commissioner Atwood states you can add a rider onto your own insurance but would have to have the right liability limits. If someone rents one of the pavilion and is under-insured and something happens, he feels it would come back on the Township.

Commissioner Bevan states it would be their personal insurance and even when you rent a hall in many places, they require an insurance policy for that evening, so it is not a big deal for people to get a temporary insurance policy.

Commissioner Zona states he agrees to look further into this or as the solicitor said could put wording in the contract that the Township is not held liable for anything that occurs.

Commissioner Atwood states he would rather prevent someone from dying than paying the insurance.

Commissioner Stump asks could we possibly consider some clauses in such an ordinance to say the vendor has to limit someone to two drinks or restrict from drinking in the playground area.

Commissioner Zona states he feels that could be impossible restricting a person to two drinks.

Commissioner Haigis asks Manager Silka to meet with Dan Miller and the solicitors and take a vote next week.

8) Route 30 Corridor Cleanup (Requested by Commissioner Zona)

Commissioner Zona states some people spoke up about Route 30 corridor and some of the properties that were blighted and not kept up with. He states it seems more on the western side of the Township. He agrees that Spitz' Auto is an eyesore. He suggests to the Board to sponsor a Township beautification project. He states you can't force a business to do anything but maybe send letters to the businesses and residents on Route 30 to explain the project and urge them to beautify their property. If this helps to make the Township look

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more presentable from Route 30 where the majority of the traffic is passing through could possibly bring more business into the Township. Small towns, such as Irwin, that are well-kept are inviting and would want to spend some time there and in the stores.

Commissioner Gass states within a month of being sworn in had suggested a beautification project especially on the west end of Route 30 as he had received numerous complaints. He feels it is the Township's responsibility to put some pressure on some of the businesses to clean up their property. He is in support of this project.

Commissioner Blasko states he went to several meetings with PADot about the development and upgrades to Route 30. He states he tried to speak to the engineers about how important the design and aesthetics of the roadway is going to impact the Township and he hopes PADot will be on our side to help develop.

Commissioner Gass states this Township has the authority to start establishing ordinances for beautification to the businesses. He states Rivertowne is an eyesore and somebody is responsible for it. He states that fines should be cited to property owners not cleaning up their properties.

Commissioner Atwood asks if there is anything stating the Township can enforce this type of action for private businesses.

Manager Silka states beautification is a very subjective term and cannot enforce what is pretty or nice or acceptable. He states there are property maintenance codes that are enforced but there private property rights where the Township cannot supercede those rights.

Ryan Fonzi adds that any new property being developed there are landscaping requirements, but to go back to any existing property owners may be hard to force them. He states it would be on the property owners' own volunteer effort but thinks it's worth a shot. He states for any new development requirements can be enforced that fifteen percent of their site is landscaped.

Commissioner Blasko states this project is volunteer based.

Commissioner Gass asks how we can cite private property homeowners if their grass is too high but not on the Route 30 corridor.

Commissioner Haigis states this can be done on the Route 30 corridor as long as it is under the property maintenance code, but to say paint looks old or don't like the color could not be cited for that.

Commissioner Gass states that is not what he's saying, but the west corridor does not look nice.

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Commissioner Haigis states Mike Turley has been working with blighted properties and when new owners buy them could look at the redevelopment project and put in the landscaping requirements and / or façade updates, etc.

Mike Turley states there have been many discussions about the western part of Route 30 and are very interested in seeing redevelopment improvements. He states there will be some temporary easements taken for the construction of the PADot project.

Commissioner Stump states the Irwin Borough was brought up and she believes they had a matching grant program funded by the State or County, so maybe we can look into any grant money that would be available.

Manager Silka states about two weeks ago asked Code Enforcement to do a saturation effort from Route 48 intersection and east to cite properties but that is a thirty day process.

Commissioner Zona asks Ryan about codes for new construction, but what is in place to make them maintain it.

Director Fonzi states there is a small maintenance bond that only last eighteen months.

Commissioner Zona states in that area the Dollar Tree and Dollar General both are fairly new and their landscaping is weeds and looks horrible.

Commissioner Atwood asks if something could be added to enforce maintenance, maybe in the SALDO.

Director Fonzi states the only thing he can think of would be landscaping requirements for new occupants so know they know going in that they have to maintain the property, but he is unsure if that can be enforced.

Commissioner Haigis asks Manager Silka to draft a letter to start.

PLANNING / ENGINEERING TOPICS:

1) SP-02-2021: Urban Properties, Logan Road / SR30, C-1 Zoning

****Proposed major land development located at intersection Route 30 and Logan Road.***

Director Fonzi states this is one of the first properties on State Route 30 by the North Versailles border. The applicant is proposing a five thousand forty four square foot, two story building for warehousing or commercial use. They got Zoning Hearing Board approval to get relief on side setback on East Drive reduced from fifty feet to twenty feet. They will need to acquire an HOP from PADot for the stormwater sewer connection, sewage planning approval from DEP. The building will have one or two tenants.

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2) S-11-2021: Tuscan Hills V & VI, R-2 Zoning

**Proposed major subdivision in the 5th & 6th phases in Tuscan Hills.*

Director Fonzi states this is an extension of Antonio Drive and a new drive, Sabato Drive. Phase V will have fifteen single family lots and Phase VI will have fifteen single family lots. Fee In Lieu funds will be to Indian Lake Park. He states some of their conditions will be acquiring NPDS Permit and stormwater management approval from Conservation District. The one item discussed at the Planning Commission Meeting was on Lot 603, there is an existing cell tower that has been there since at least 1983. He states a subdivision was found showing that exact tower and what they are proposing is subdividing lots around it but the Zoning Officer has an issue with the way this lot is configured. He states the newest tele-communication ordinance passed in 2019 states if you're creating a new lot around a cell tower should obey setbacks for the new lot. The full tower height is 99.25 feet which requires to have that setback of the full tower height to the next closest property line. Director Fonzi states this tower is non-conforming for two reasons, the first being that it is in an R-2 District which is not permitted. The other reason is the distance to the rear property line is only ninety feet. The one it is drawn by the applicant has the setbacks at forty feet to Lot 604, fifty feet to the edge of the right of way of the proposed road and eighty eight feet to Lot 602, so they are short on all four property lines. After discussion with staff, some are uncomfortable with the way it is proposed and was also discussed with Manager Silka and he forwarded it to Solicitor Alexander.

Solicitor Alexander states he feels the ordinance needs to be followed.

Commissioner Blasko states they just went through this issue with Tower Co. He understands this cell tower was twenty five / thirty years old but if we fought Tower Co. on the fall distance then this should be the same thing. He states he is not comfortable with the way it is currently written.

Director Fonzi asks if it really matters which was first the lot or the tower. If they are reconfiguring property lines should they be subject to those setbacks.

Commissioner Atwood asks if they are allowed to enforce ordinances that appear *ex po facto*.

Director Fonzi states that the consultant Chad Stafford from Penn Terra Engineering is present.

Chad Stafford states when they took on Phase II they realized there was an approved preliminary plan that was already established, so the layout they have been following for Phases II, III, IV, V & VI has always followed the preliminary plan as submitted, accepted and approved by the municipality. He states he believes the way the ordinance reads is it doesn't specifically identify structure but identifies facilities. The facility could be something as simple as a fence line. The fence line is only physically thirty feet from the rear property line. The tower, based upon where the tower would be to the design structures, would be the building on Lot 602 one hundred five feet and the building from the actual tower to Lot 615 would be one hundred twenty five feet and the building on Lot 604 would only be eighty feet.

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He states what they would hope to consider would be the fact that the preliminary plan was approved and accepted and there a several non-conformities. He states if they would need to could probably adjust the placement for Lot 604 and modify the lot line between Lots 604 and 605 to achieve the ninety nine feet. Mr. Stafford states they would hope that based upon that information and the previous approval, that the Board would consider that they are following what was previously approved and trying to best conform to a precedent that the municipality already established with the thirty feet to an existing property line.

Manager Silka asks if they are planning on having Sabato Drive dedicated to the Township.

Mr. Stafford replies yes.

Manager Silka states then there would be impact on the public right of way within the fall distance of the tower.

Mr. Stafford states the way the ordinance is written it discusses property lines and he feels the intent would be building placement. He states there is a clause in the ordinance that identifies this Board has the right, if it doesn't create an adverse issue to the community, that they have the ability to waive the cell tower. The ordinance specifically identifies three options for the lot line, one is the zoning district it is in, two would be fifty feet in all directions and three would be based upon the tower. He states all he is asking for is consideration for something along the lines which there are two options we can conform to and the third option is the tower height.

Commissioner Haigis states he is not comfortable with the tower height being as high as it is and under the current plan could actually hit a structure. Also, not comfortable with the tower being able to fall onto a road that is dedicated to the Township in the future. He states he would like to see them come back with something different than what is currently before them.

Commissioner Blasko agrees with Commissioner Haigis and feels there should be a ninety nine foot radius around the entire structure. He states as they are creating new properties and boundaries, if they have to get rid of Lots 604 or 602 so there is a ninety nine foot radius around the entire tower.

Manager Silka clarifies that this is not a breakable tower so this is not designed to snap in half.

Mr. Stafford states he does not believe so.

Director Fonzi states he and Tom McGuire discussed that today based on the age of the tower and knows there was some repair work done three or four years ago putting some braces on it, but nothing with a snap off point. He states the tower pre-dates 1993 and is an older tower.

Mr. Stafford states the reality is this ordinance specifically with the one hundred feet or height of the tower came way after the tower was constructed.

Commissioner Haigis states he understands that but the tower that is currently constructed does not have adjoining properties with the possibility of a cell tower falling on it or a road that will

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be dedicated to the municipality. He states if it was constructed adjacent to an open field would not have an issue with it, but has an issue with a developer trying to build a home within the fall distance of the tower and a road to be dedicated to the Township.

Commissioner Stump states she mentioned this at the Planning Commission meeting but being she has been in finance and real estate, buyers and lenders are averse to towers and it is very likely that somebody is not going to want to buy a house that sits right next to a tower. She states about the possibility with electro-magnetic fields and people know about that, but lenders are very averse to financing. She states it might be better off for the developer to try and create some green space around the tower because it will make homes more sellable.

Mr. Stafford states he completely understands that but the reality is the developer understands the lots specifically surrounding this tower, may not be the most sellable lots so he is taking the risk with the fact that back in 2016-17, this was presented to the municipality and did not have an issue with it at the particular time, it's the 2019 ordinance that has created that potential issue.

Commissioner Blasko states unfortunately he does not feel the risk falls on the developer, but falls on the adjoining property owners and the Township if the tower would fall. He states there is no way he is comfortable at any point unless there is a ninety nine foot buffer.

Director Fonzi states he pulled to 1998 tele communications ordinance and it does list three requirements for new construction of a tower, the setback to a neighboring property line would have to be one hundred percent of the tower height or the underlying zoning district or fifty feet whichever is larger, so in this case would be the 99.25 feet would be the largest distance.

Mr. Stafford states he will take this back to Mr. Pasquarelli.

Commissioner Zona states he agrees with his colleagues and would be against that also. He feels it should be ninety nine feet all around it.

Commissioner Blasko states he has received some complaints from Tuscan Hills residents wanting individual mailboxes and asks if this will also be the communal boxes.

Director Fonzi states all phases will be communal mailboxes.

3) S-13-2021: Willow Estates IV Lot 4143 Consolidation
****Proposed consolidation in Willow Estates IV.***

Director Fonzi states this is on Windsor Road in Willow Estates IV involving three lots where John and Deborah Winebrenner own Lot 4144 and then Willow Glenn Development owns the other two lots. What the Winebrenner's would like to do is purchase half of Lot 4143 to get a larger home footprint and there is another buyer for Lot 4142 to also build a larger home.

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4) SP-04-2021: Legacy Place LLC
****Proposed multi-tenant building on Country Club Drive.***

Director Fonzi states this is adjacent from the existing Hampton Inn. The owner would like to construct a fourteen thousand square foot multi-tenant building with four tenants total, one being will be a dental office, one will be a beauty shop and the other one will be a spa. There will be approximately six thousand square feet left for a tenant to be named later. Sewage planning is complete and everything is in order.

FURTHER BOARD COMMENTS

Commissioner Gass states this coming week he will sit down with the Chief at Hartford Heights VFD.

ADJOURNMENT

Motion: Commissioner Atwood
Second: Commissioner Zona

Motion to adjourn.

Motion carried 7 – 0 – 0 (8:11 P.M.)

- Special Meeting minutes of June 10, 2021 were approved by the Board of Commissioners on July 21, 2021.



Jeffrey Silka, Township Secretary
/jjm



Zachary Haigis, President

