

**TOWNSHIP OF NORTH HUNTINGDON, BOARD OF COMMISSIONERS
SPECIAL MEETING, THURSDAY, OCTOBER 15, 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

Mr. Furlin	Present	Also Present:
Mr. Patter	Present	John M. Shepherd
Mr. Gray	Present	Craig Alexander
Mr. Martino	Present	Michael M. Turley
Mr. Moffatt	Present	Andy Blenko
Mr. Austin	Present	Keith Evers
Mr. Herold	Present	

PLEDGE OF ALLEGIANCE

CITIZENS' INPUT

Ken Bower, 10001 Hurst Avenue, Greensburg: He has a family owned 100-acre farm on Mickanin Road which borders the Bella Mia housing development. They have been getting flooded because the drainage was not put in right. He got some plans from Mr. Evers that shows an extensive V-drainage ditch that was to start at the edge of his property and be carried around the development and drain into a drainage pond. This ditch should carry 3.56 cu. ft. of water per second which is a large volume of water. With the bad storms that happened this summer and the ditch not there, they are being flooded extensively. Mr. Evers walked the property with him and saw how they are getting flooded. There is an access road that goes up to a property that has been there for over a hundred years and has never been washed out like it has been for the last couple years. He has repaired the driveway twice and they can't keep stone on it because of the water coming off the hillside from Mr. Shuster's development. There was a ravine there before the development was put in where the water ran down but the ravine has been filled in. That was the purpose of the diversion ditch to drain into the pond, but it isn't there. This was brought up two years ago and they met with Mr. Shuster. He was to come back to put in a walking trail and then he would put in the diversion ditch. Mr. Shuster has retired and no one will tear up the residents' back yards. On the plan, there is a 25 ft. offset easement. The property not developed is owned by Township and that is where the ditch should be. They need the diversion ditch put in and their driveway fixed. They can't get to the property because of the ditches in the lane. He would appreciate any help the Township can give them.

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RESPONSE TO CITIZENS' INPUT

Mr. Alexander said there was a ditch that was to be put in but never was. They need to look at the plans to see if it should have been put in and get the developer to do it.

Mr. Blenko said the drawings showed a drainage swale behind three properties, but the ditch was not put in. When the plan was recorded, there was no easement recorded with the plan for the ditch. The back of the properties are not a continuous downstream run and it would take a major re-grading of the back yards to put the ditch in. They could approach the property owners for an easement for the drainage ditch, but it would be a large undertaking.

Mr. Alexander said it was the developer's responsibility.

Mr. Shepherd said the developer has been released and the plan was turned over to the Township.

Mr. Evers said he spoke to Mr. Bower several times and they looked at the easement. Mr. Bower is willing to give the Township a right-of-way on his property to put the ditch in and he would maintain after it is installed.

Mr. Martino asked if the plans were approved with the ditch on.

Mr. Blenko said it was part of the Erosion Control Plan and it was labeled as a permanent drainage ditch. Anything that would be a permanent ditch should have had a recorded easement to be able to enforce it. The recorded plan should have been reviewed.

Mr. Martino said it would be the fault of the Township that the plan wasn't recorded with the ditch on it.

Mr. Shepherd said the engineer who designed it should have done it right and the Township review should have picked it up. There is fault on both sides.

Mr. Herold said if they go through Mr. Bower's property, how would it affect the residents up there.

Mr. Evers said the lots are above Mr. Bower and the ditch could be installed at the rear of those properties and not affect the property. He doesn't know what it would take to install the ditch.

Mr. Moffatt said the ditch would be on the Bower property.

Mr. Evers said Mr. Bower would give the right-of-way to install the ditch.

Mr. Blenko said when they looked at the area, they had to guess at the property lines because they are not marked. You could see where the grading was and could almost be sure where the property lines were.

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Mr. Gray said he spoke to Mr. Bower and the last he heard was that the Township wasn't going to do anything.

Mr. Evers said they had discussed the easements and the chance of getting those from the existing property owners in Bella Mia, but it hasn't gone any further.

Mr. Gray said the ditch was on the soil and erosion plan and is it the same as the construction drawings.

Mr. Evers said that is the construction drawings, but the ditch was not on the recorded plan.

Mr. Gray said this was ten years ago, but most of the Board wasn't here and the Board doesn't do those inspections. They have to assign accountability and move forward. He asked whose responsibility it was to have caught that error.

Mr. Evers said it would have been on a plan review for the storm water either by the engineer or the planner. Whoever was reviewing the plans before they went to the Court House to be recorded.

Mr. Shepherd said the engineer for the development should have put the easement on the Mylar. We missed it on the review but it should have been on as a permanent easement. The residents wouldn't know it was to be there.

Mr. Gray asked where they should go from here and who is to pay for the ditch besides the taxpayers.

Mr. Shepherd said they could talk to the developer but not have the ability to force his hand.

Mr. Blenko said he doesn't know of any Township owned property between the development and the Bower property.

Mr. Evers said Mr. Shuster may not still own the development.

Mr. Shepherd said there is no bonding left on that development.

Mr. Herold asked if the walking trail was put in.

Mr. Blenko said that was not on the recorded plan and doesn't see anywhere if that was proposed.

Mr. Bower said on the prints, there is property owned by the Township that borders the lower property of the development and that is where the ditch was to be put in. The ditch is designed to go around the hillside and the upper side of the ditch is higher.

Mr. Blenko said he couldn't see the detention pond from the back yards, so there is a hill adjacent and they would have to cut a channel.

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Mr. Bower said there are no hills but there are woods there so you can't see the detention pond. It is gravity flow designed as the water will come off the hillside and not flow too fast. If the ditch was put in like it should have been, it would work perfectly. If they had known ten years ago when it was being developed to watch and make sure it was put in, they would have done that. They relied on the Township and the inspectors to make sure it was put in. The prints have everything in about the water flow for the whole development. That ditch was to drain eight acres to catch water from the hillside. They would let the ditch be brought to their property line as this mistake has to be corrected.

Mr. Martino asked how long this has been happening.

Mr. Bower said this has been getting worse in the last three to four years. The most damage was done during that June storm. They put ditches in themselves along their property.

Mr. Martino said if this has been happening for three years, why hasn't he come to the Board before.

Mr. Bower said he didn't know he should until he talked to Mr. Gray. They also thought Mr. Shuster was going to come back to fix it. They met with Mr. Shuster and he was to come back and put in a walking trail. He just found the plans six months ago that had the diversion ditch on it. There is a lot of water coming off the hill.

Mr. Moffatt asked who else was there when he met with Mr. Shuster.

Mr. Bower said there was someone from the Township, but he doesn't remember who it was. Mr. Shuster said there should be a ditch there, but he wasn't the developer, he just owned the property.

Mr. Moffatt said this is similar to when they take over a detention pond that it should be checked out by the engineer.

Mr. Shepherd said when the plan was started, it was Glenn Engineering. For the final inspections for the detention ponds and the roads, it was The EADS Group.

- 1) Action to award the bid for the 1996 Chevrolet Blazer to David Yankelitis in the amount of \$475.00.

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

Motion Carried 7 – 0 – 0

- 2) Action to award the bid for the 2000 Chevrolet Impala to Emergency Remarketing in the amount of \$1,275.00.

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

Motion Carried 7 – 0 – 0

- 3) Action to award the bid for the 2004 Ford Crown Victoria to Michael Makon, Grace Quality Used Cars, in the amount of \$2,450.00.

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

Motion Carried 7 – 0 – 0

- 4) Action to award the bid for the 2005 Chevrolet Impala to Klassy Karz LLC in the amount of \$1,550.00.

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

Motion Carried 7 – 0 – 0

- 5) Action to award the bid for the 2005 Chevrolet Impala to Larry Bonazza in the amount of \$1,525.00.

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

Motion Carried 7 – 0 – 0

- 6) Action to award the bid for the Case 580D Tractor to James McHugh in the amount of \$3,876.00.

Motion: Mr. Austin So move.
Second: Mr. Martino

Motion Carried 7 – 0 – 0

- 7) Proposed demolition of the Fady dwelling, 12300 Route 30 – discussion.

Mr. Shepherd said at the Public Hearing, there was a potential purchaser of the property, Mr. Mowry who can say what has been done on the property. Also, Mr. Evers will give an update since the last meeting. The Board may either let Mr. Mowry proceed with the renovations or look at the findings and fact for demolition.

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Glenn Mowry, 524 ½ Eighth Street, Irwin: He has been working on the house and picked up the applications and fulfilled the permits required. He removed all the trees around the house, replaced boards in the roof and replaced shingles, changed soffit and fascia boards and is ready to put downspouts and gutters on the house and put French drains around the house.

Mr. Evers said Mr. Mowry applied for a building permit on September 18. He has cleaned up the property and repaired the roof. There are still items that need removed. He took a lot of trees down and cleaned the moss off the roof. Some of the neighbors have commented that he is making progress. The roof isn't as bad as was originally thought. You could see inside where the roof was leaking because the plaster was falling. He feels the house can be saved. It is up to the Board whether to let him continue.

Mr. Gray said that he should continue but do they need a time waiver.

Mr. Alexander said there are no time restrictions on demolition. At anytime the Board can take action to demolish the structure. It would be proper to get a time line from the property owner.

Mr. Gray asked if Mr. Mowry could give a time frame.

Mr. Mowry said he would like to get the gutters, French drains and grading the property within the next 30 days. Then he would like to go inside and replace the furnace, plumbing and wiring.

The Board agreed to let Mr. Mowry continue work on the structure.

8) Proposed weight limits on the following streets: School Street, School Hill Road, Crockett Street, McCallem Street and Shannon Street – discussion.

Mr. Shepherd said this is a request for weight limits in the Larimer area. There is concern about the condition of the roads and heavy vehicles going in and creating a problem. The recommendation is for a 5-Ton weight limit on three of those roads other than for local deliveries. If we need more information, we can get it from the Police for next week's meeting.

Mr. Furlin feels the weight limit should be done immediately for destroying our roads.

Mr. Shepherd said an Ordinance will be prepared for adoption in November.

Mr. Moffatt asked if the residents had to know before this was done.

Mr. Shepherd said their notice is the public notice.

Mr. Alexander said it has to be posted at the beginning and the end of where the weight restrictions start and end after it is passed.

Mr. Moffatt said they don't let the residents know then.

Mr. Shepherd said other than what is in the paper. If the Board wants, they can send letters out.

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Mr. Moffatt said there is only one person they have an issue with.

Mr. Shepherd said the police have complaints from residents about that one person.

9) Various flooding areas in the Township – discussion.

Mr. Shepherd said Commissioner Martino had requested reports of specific areas in the Township that were flooded in June. There were residents who came in July to complain about flooding. The areas they are looking at are Cedar Glenn, McKee Road, Abrams Drive, Roth Drive, Fundistown Road and McClellan Street. Before proceeding, he wanted to make sure that is what the Board wants to do and to find out what is happening from the people who come to the meetings and still have flooding. Some areas they know about and others they don't know whether it is basement flooding, yards flooded or gets debris or what type of flooding they have. He feels they should survey the areas and the property owners and see what the Township could do to help with their problems. They may have to use the services of an Environmental Engineer. Cedar Glenn has had analyses done there and there will be some improvements done. Mr. Blenko did some engineering work there.

Mr. Gray said Mr. Dervin of Roth Drive had talked to them about a month ago and Mr. Blenko said he had done an analysis of the Roth Drive, Abrams Drive area. They were made aware tonight that there was a drainage file that has existed since the 60's and 95% of that deals with that area. He asked Mr. Blenko to look at those documents and see if they are valid and see what the Township should do. Some of the things are outdated and when they went into Wainwright Drive to remove some debris, they were fined by the D.E.P.

Mr. Moffatt said he would like to go through with it, but Westmoreland Avenue was also hit very hard. Mr. Komondor had a list of all those that got hit.

Mr. Martino said these are the people who showed up at the meeting complaining about the flooding. They should put the other areas on and see what can be done.

Mr. Gray said he asked Mr. Komondor to see how many homes were affected in various areas and how were they affected. Whether it was basement flooding, first floor flooding or appliance damage and categorize it.

Mr. Herold said many of the people who were here have been affected on many occasions and we should give them attention and try to do something about it.

Mr. Moffatt feels they should do it but everyone should be treated equally.

Mr. Gray said there is one he would like to get on the agenda that they have looked at before on Deborah Drive where two homes were affected because there is no drainage there. The road ends and the water goes to those homes. Several years ago they were at the right-of-way acquisition stage and it just stopped. This was on Terrie Drive running to Deborah Drive.

Mr. Patter said not only do they need to look at the storm in June but also the frequency of the flooding on a yearly basis.

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Mr. Martino said there are many homes Roth Drive and Abrams Drive where they have to pump out basements on a yearly basis.

Mr. Shepherd said they can look at the map again and pull some more areas. They may not have answers for all the problems. A resident on Westmoreland Avenue was flooded out and they went down with the Army Corps and he doesn't feel they have a solution for that area of Brush Creek. It would take millions of dollars for structural improvements.

Mr. Turley said when they went to Westmoreland Avenue, it is definitely a problem and the resident is very frustrated. Brush Creek is so near her home and it floods with any heavy rain. The issues that impact Brush Creek are beyond the Township. There are only a few homes that get damaged in that area and there would be an enormous cost to control the problem. The Army Corps dismissed the area that nothing could be done there. When the Federal Government denied the Disaster Declaration, there was no money available for her except through the Small Business Association loans.

Mr. Shepherd said that resident didn't have flood insurance because it is expensive. But for those that had in the Roth Drive area, they were able to get some money back.

Mr. Turley said the bank didn't tell her that she needed the flood insurance.

Mr. Blenko said as far as data for the storm, they had 2.34 inches of rain an hour which is off the design charts. Two weeks ago there was a meeting here with the Inter-municipal Environmental Forum. There were representatives from Plum Borough, Murrysville, Penn Township, Penn Hills and North Huntingdon along with Congressman Murphy, the Turtle Creek Watershed Association and the Army Corps of Engineers. Everyone is facing these same dilemmas. Penn Township built two major flood control projects with general funds and now other areas of the Township want their areas fixed.

10) Planning/Engineering Topics.

a) Planning Commission Agenda Items:

1) S-18-2009, Pasquarelli-Voich Plan, Barnes Lake Road, R-2 Zoning.

Mr. Blenko said this is a subdivision with two lots and the larger lot is owned by Mr. Pasquarelli and the smaller lot is owned by Mr. & Mrs. Voich. Mr. Pasquarelli wants .57 acres from the Voich property to give him a 77.26 acre parcel and access to Hahntown-Wendel Road. The access strip is only 35-ft. wide and if it was to be used as an access road in the future, a 50-ft right-of-way would be required. The surveyor stated the access strip will not be used for access to Hahntown-Wendel Road. The Planning Commission recommended approval. There is a cell phone tower with an access road only passable with a 4-wheel drive vehicle that comes in from Barnes Lake Road. A new access road could be built from Hahntown-Wendel Road to get to the tower to not infringe on the rest of the property.

Mr. Gray asked who it was up to change the access.

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Mr. Blenko said it could be part of the lease agreement that there was access to get to the tower. So it would be up to Crown to release the old access agreement and do a new one.

- 2) S-19-2009, Forsythe Boundary Line Revision, Guffey Road/Clay Pike, R-2 Zoning.

Mr. Blenko said this is a simple boundary line revision. Lot 1 has an address on Guffey Road and Lot 2 has an address on Clay Pike. Mr. Forsythe wants to increase Lot 2 by 1,200 sq. ft. The Planning Commission recommended approval.

- 3) S-20-2009, O'Brien Farm Plat, Barnes Lake Road at Hahntown-Wendel Road, R-2 Zoning.

Mr. Blenko said this is a minor subdivision resulting in two lots. There are two zoning classifications. The land north of Barnes Lake Road is R-2 zoning and the land south of Barnes Lake Road is R-3 zoning. The O'Brien's want to convey a 15.5 acre lot north of Barnes Lake Road to Mr. Pasquarelli. They will retain the land south of Barnes Lake Road. The Planning Commission recommended approval. This will give Mr. Pasquarelli close to 90 acres which will probably result in a housing development for Mr. Pasquarelli.

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

- Legal

Mr. Moffatt said they talked about the Waste Management contract at the last meeting and Mr. Dice felt if they re-bid the contract, Waste Management could get out their responsibility for the last two year's of their contract. When he looked back at the contract, Mr. Alexander had said that it would be fine as long as they re-bid it before the option expires. This was not the opinion of Mr. Dice. When they did the original contract, they did a two year contract with an option for an additional two years. This was done because if they re-bid in two years and don't like the bids they receive, they would stay with Waste Management. If something changed such as the gas prices came down and they re-bid but the prices were too high, could they stay with Waste Management. It was stated in the minutes that Mr. Alexander said as long as it was done before the option expired.

Mr. Alexander said that was because you could still take the option. He would confer with Mr. Dice and then give an opinion.

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ADJOURNMENT

Motion: Mr. Furlin
Second: Mr. Moffatt

So move.

Motion Carried 7 – 0 – 0

- Special Meeting Minutes of October 15, 2009 were approved by the Board of Commissioners on _____.

David E. Herold, President

John M. Shepherd, Township Secretary

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