

MT. PLEASANT TWP. BOARD OF SUPERVISORS' MEETING OF APRIL 22, 2009

The meeting of April 22, 2009, was called to order at 6:32 p.m. by Chairman Dinsmore with the Pledge of Allegiance to the Flag. Those present were: William L. Dinsmore, Chairman (WD), Larry H. Grimm, Vice-Chairman (LG), Shane D. Maga, Supervisor (SM), William A. Johnson, Solicitor (WJ) was absent, Larry Chome, Zoning Officer (LC), Mary Ann Stevenson, Secretary (MS) was absent, Erin Ober, Interim Secretary (EO) and those citizens listed on the attached sheet.

Public Comments: None

Reports

The following reports, if any, were submitted for the Board's review and are on file at the Municipal Office:

- Zoning Officer's Report – Since last meeting
- Public Safety Report – 3/24/09 – 4/21/09
- Public Works Report – Since last meeting
- Planning Commission Minutes – 4/6/09
- Parks & Recreation Report – None
- Municipal Authority Minutes – None
- Midway Sewage Minutes – 3/3/09
- Cross Creek Valley Region Minutes - None
- Washington County Sewage Council Report - None
- MPT Volunteer Fire Dept. Report - None
- Wilbur Smith – Revitalize Main Street Project Minutes – None
- Treasurer's Report - March, 2009
- Correspondence for the period of 3/25/09 – 4/21/09

► LG motioned to accept the reports as given and WD seconded the motion. The motion carried unanimously.

Action Items:

1. **Temporary Secretary:** LG motioned to appoint Erin Ober as temporary secretary for this meeting only in order to prepare the minutes and SM seconded the motion. The motion carried unanimously.
2. **Bills:** WD motioned to authorize payment of the invoices for the period of 3/25/09 – 4/21/09 as presented and LG seconded the motion. The motion carried unanimously.
3. **Minutes:** SM motioned to approve the minutes of the March 25, 2009 regular board meeting and LG seconded the motion. The motion carried unanimously.
4. **Pavilion Rentals:** LG motioned to appoint Ben Maxin to take care of the pavilion rentals for the 2009 season at \$50 per park per day as needed and SM seconded the motion. The motion carried unanimously.
5. **Parks Maintenance:** SM motioned to hire Donald McCalmont for the seasonal part time parks maintenance position effective 4/13/09 at \$10.00 per hour with no benefits and LG seconded the motion. WD asked how long he would be working and SM stated that he would be working until approximately October 15, 2009. The motion carried unanimously.
6. **Parks & Rec Board:** LG motioned to appoint Mrs. Stephanie Hallowich to the Parks & Rec. Board to replace Linda Maga's (who resigned) term through 12/21/2010. SM stated that he did not have time to review the application process and had not seen her resume until that night. SM also stated that Sandy Stark had expressed interest in the position and he would like to review both resumes before a vote. LG responded that Stephanie has a college education and is a stay at home mom, which seemed to be a natural choice for the position. SM stated that he does not have a problem with Stephanie, but he would like to speak to her and also consider Sandy for the position and take a vote at the next meeting. SM stated that there is still a motion on the floor and LG agreed. SM suggested that perhaps one of them could be an alternate. WD seconded the

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motion contingent upon SM's approval after talking with Stephanie Hallowich. LG and SM both disagreed with the contingency part in that you can't remove someone from the board once you approve them. SM suggested that WD just wait until the next meeting to vote. WD then seconded the motion as is. The motion carried, SM abstained from the vote.

7. **Steinberger Holding Tank:** LG motioned to adopt Resolution 2009-L – a resolution entering into a holding tank agreement with David Steinberger on Zuk Lane and noted that all fees have been paid. SM seconded the motion. The motion carried unanimously.
8. **COPS Grant:** LG motioned to officially approve applying for a COPS Grant to hire one full time patrolman with reimbursement of wages and benefits being paid for through the grant for three years. The fourth year of the program the township has to pay for the employee. WD seconded the motion. LG added that it did not ensure that the township would get anything, but just that the application was submitted. The motion carried unanimously.
9. **Non-CDL Policy:** WD motioned to adopt a Non-CDL Policy effective today for new hire and random drug and alcohol testing for any employee that drives a township vehicle. SM seconded the motion. The motion carried unanimously.
10. **Polonia Estates:** WD noted that the representatives from Polonia Estates were in the audience and asked them if they had amendments that needed to be clarified. LC indicated that there were some items that needed to be discussed as to what progress they had made. Greg Banner (GB), the representative from Polonia Estates, was unsure of what the supervisors were asking of him. LG stated that there were 18 proposed changes that the supervisors had laid down and they needed the status report on these conditions. GB stated that he did not remember what they all were and LC offered to read them back to him. LC stated that these conditions were given to Polonia Estates at the Conditional Use Hearing.

1. The site plan must be consistent with that prepared for the PBS&J Engineers as submitted at the public hearing.

2. The application for final approval shall precede the issuance of any building permits for the site.

GB wanted to address these conditions first and stated that they have made no changes to the layout that was approved as part of the conditional use. GB continued on to say that there were previously a couple of lots that were close to the road that they eliminated and pushed everything back a little bit. GB explained that at the time of the conditional use, they had an area that was shown on the drawing as a small water basin and they now have it detailed out and have the appropriate permits from the Washington County Conservation District. GB stated that the Washington County Planning Commission had reviewed it and a copy of the review letter had been submitted to the Township showing that no problems were found. GB then asked LC to repeat the second condition in its entirety. LC read the second condition. GB stated that they were there to seek final approval at this meeting on the land development plan and the subdivision plan. GB continued on to say that the subdivision plan would create 25 lots as well as 3 parcels with parcel "C" being the storm water pond and parcels "A" & "B" being open space. GB stated that the open space would be 30% of the overall property as required by the PRD Ordinance. LC went on to the next condition:

3. The Homeowners Association be provided in the covenants and conditions incidental to the creation of the Polonia Estates Development and that until such time that the Homeowners Association is created, the Developer retain all maintenance responsibilities for any and all improvements as well as proposed public open spaces and recreational facilities.

GB responded that they have prepared covenants and bylaws for the Homeowners Association that had been sent to the Township. GB asked LC if the solicitor had been able to look at them and LC responded that WJ had suggested minor changes. LC referred to Paragraph 8 and stated that WJ had recommended that they add vehicles, campers, and the like. LG asked LC if the listing of tents would restrict children from camping in their backyard. LC replied that this would not be restricted unless someone was permanently living in the tent. LC then asked for clarification on paragraph 14. GB explained that it did not refer to the overall plot plan, but rather that individuals would have the right to choose the layout of their lot that they have purchased in terms of house location and landscaping. LC stated that he understood and the wording would not have to be changed. LC referred next to paragraph 15 and relayed that WJ thought it should say Homeowners Association rather than Developer. GB replied that they could put Developer/Homeowners Association and LC agreed. LC then went on to paragraph 19 where WJ had suggested that they clarify that the maintenance responsibility will be transferred to the Homeowners Association from the Developer. GB agreed that it should be clarified and also brought up that they should revise it to reference the nonresidential lots as "A", "B", & "C". LC then

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noted that GB had already named the street and that it is usually left up to the Township to do that. GB stated that they had named the street, General Pulaski Court. LC explained that he would have to check with the post office to make sure there was not already a street by that name. GB asked if they would have to submit the request in writing and WD confirmed that is what they would need to do. There was a brief discussion about whether "Court" was acceptable as opposed to "Street" or "Lane" or "Road". All of the Supervisors agreed that there were not currently any street names with "Court" but they did not see a problem with it. GB stated that he would get the written request to them. LC then went back to the conditions:

4. No modification from the Township Ordinances granted regarding sidewalks.

GB stated that they have proposed sidewalks along the left side of the street and wrapping around a portion of the cul-de-sac. LC continued:

5. The entire site shall consist of 13.2 acres with density not to exceed 1.9 units per acre consisting of 25 single family residences.

GB affirmed that it does. LC continued:

6. Public water and sewage shall service the Development.

GB explained that they had submitted letters of utility availability for the electric, power, and water. GB stated that they had been informed from KLH that day that they had reviewed the sanitary sewage plans and were ok with everything. LC continued:

7. No building shall be a structure higher than 2 stories.

GB confirmed that the houses would not be more than 2 stories. LC continued:

8. The open space shall be provided in the drawings previously prepared and submitted as part of the record by PBS&J Engineers.

GB explained that lots "A" & "B" would be recorded as open space. LC continued:

9. The storm water retention pond located on the site shall be constructed as a dry pond.

GB stated that while it is an infiltration basin and will have some water after a storm, it will drain out into the ground and is intended to be dry. GB continued to say that there would not be a constant pool of water. LG asked GB if it would be fenced. GB replied that he did not show that there would be fencing, but that it probably should be put in. LG voiced his concern over children being nearby with water pooling after a storm. GB stated that he would note that it should be fenced. LC asked if it would turn into a weeded area. GB replied that the Homeowners Association would be responsible for maintenance and WD suggested that it be added to the covenant to make sure that it gets done. GB agreed.

10. The adequate trash barriers in the form of snow fencing or other comparable fencing be erected during construction to provide protection to adjoining properties and that no burning of construction materials or vegetation shall be permitted on the site.

SM stated that the reason this was in there was because of the farmers in the area and the fear of contamination in their fields and animals. GB responded that this part is actually part of the covenants. LC continued:

11. That the Development shall proceed with three approved phases, the second and third phases to be commenced within one year of the anniversary date of the final approval for the first phase.

LC explained that they discussed this at the Planning Commission Meeting. GB stated that the first phase would include constructing General Pulaski Court with the exception of the wearing surface. GB continued by saying that all of the utilities, the storm water pond, and roughly 1/3 of the lots would be phase 1 and the 2nd and 3rd phases would include the other two thirds of the lots. LC stated that the Planning Commission decided that from a Township standpoint, the development would be considered a one phase project because all of the infrastructure would be constructed in one phase and that the 3 phases would only be from a marketing standpoint. SM agreed because they would only be building homes in the last phases. LG asked if the road would be set to Township specifications and GB stated that it would. LC asked if the Supervisors would like to amend #11 to state one phase instead of three. LG replied that it was only semantics. LC continued:

12. That a performance bond to secure the construction of all proposed public facilities, roads, storm sewers, sanitary sewers, lighting, as well as maintenance of open spaces shall be provided to the Township in the form of a cash bond or other security that is acceptable to the Township.

GB stated that they did submit a cost estimate for public improvements which would be used to determine the amount of the bond. GB also mentioned that LC had told him that the Township did not have a standard Developer's Agreement Form. WD stated that he did not believe that the Township had a standard one. LC stated that he had not received a cost estimate and Philip Metz (PM) handed out a packet to each of the Supervisors and LC which included the cost estimate and responses to HMT comments. GB added that they

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would like to submit a Developer's Agreement to see if it would meet with the Township's requirements. LG asked if Odra Land Company was still involved and GB replied that they are the owners of the property and are still involved. LC stated that they would need to review the cost estimate. LC continued:

13. All roads within the Development shall be constructed within Township specifications and dedicated to become part of the Mount Pleasant Township Public Roads System.

GB confirmed that they would be. LC continued:

14. The Developer shall install all buffering as provided in the plan.
15. The Developer complies with all requirements as contained in the June 2, 2008 letter to the Township's Engineer, HMT & Associates.

GB stated that these requirements were done specifically for the conditional use hearing and were all addressed.

16. Two fire hydrants shall be installed within the development at a distance of not less than 600 feet between said hydrants.

GB confirmed that they are in the plans. LC continued:

17. Percolation tests to be conducted to determine potential runoff of sumps.

GB stated they had decided not to use runoff sumps and that all water from the lots and houses will be directed to the storm water basin. GB continued to explain that they added collection pipes on either side of the road to pick up the roof drains. WD asked if the municipality would be responsible for the storm drains. GB replied that they Township would be responsible for the storm water system up until the point where it runs into the storm water basin, which would include the pipes and inlets along the street and the runs from the street to the basin. GB explained that from the basin and the discharge pipe would be the responsibility of the Homeowner's Association. GB asked LC for clarification as to what the Planning Commission had recommended. LC stated that the Planning Commission had questioned whether the Supervisors would want to take on this responsibility. SM stated that he thought it made sense for the Township to maintain what fell in the right-of-way of the road. WD agreed that he did not want to be responsible for anything outside of the right-of-way. GB confirmed that the Township would not be responsible for any other portion. LC continued:

18. Any basins in the Development shall be located within PennDOT's right-of-ways.

GB stated that none of them extend out that far and are all within the right-of-way of General Pulaski Court. GB also wanted to bring up that they have placed a formal notification in the covenants stating there was active farming that surrounds the neighborhood. WD stated that this municipality is an AG Security Area which should address that subject. LG expressed that he agreed with putting the notification in the covenants. LC stated that the only other things to address were HMT letters that GB had provided. GB replied that everything was discussed at the Planning Commission meeting and all of the comments had been addressed. LC stated that they should go over them now. LC started with the letter addressing the Subdivision Plan and asked GB about highway permits required by PennDOT. GB responded that they had applied for them, but have not heard back from PennDOT and that it would probably be a couple of months before they would receive that approval. LC stated that he would have to send the cost information and Developer's Agreement to HMT & Associates to receive a specific bond amount. LG added that also we would have to have another conditional use hearing before final approval can be given. LC clarified that a hearing has to be held for the tentative approval and another hearing for the final approval. GB stated that he was hoping to receive final approval at this meeting. LC stated that this meeting was for clarifying all of the points discussed and that the hearing can be combined with the next Board of Supervisors' Meeting. LC then read through all of the other requirements in the letter and all of them had been met. LC moved on to the second letter regarding the site plan review and everything was satisfactory. WD asked if all of this information is sent to HMT because the Supervisors are not knowledgeable on all of these items and LC replied that it does. SM asked how many of the lots had to be completed before the Homeowner's Association would take over. GB replied that he could not remember the exact percentage but it is listed in the covenants and he believed that it was 40%. LC asked if the Township had set what would be an acceptable bond. WD replied that it would have to be a bond through their bonding company. LG stated that the Township has 30 days from the date of this meeting to have the next conditional hearing and render a final approval. After looking at a calendar, he realized that it would be 35 days until the next Supervisors' Meeting. LG asked for permission to extend the deadline to 35 days and GB agreed to provide that permission in writing to LC. GB wanted to clarify whether this process was for all developments and LC stated that it is for all PRDs.

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Discussion Items: *(board members may elect to discuss items presented to them since the last meeting)*

1. WD wanted to discuss the sale of a sliding spreader to Ronald Moore. WD explained that according to Resolution 2007-O, any item valued under \$1000 can be sold at a price that is agreed on by the Supervisors at a public meeting. SM and LG asked WD to determine the value and WD stated that he thought that \$200 would be fair. LG and SM both agreed that this was a fair price since they would not be able to get much for it at a scrap yard. WD motioned to sell the sliding spreader to Ronald Moore at the price of \$200.00 and LG seconded the motion. The motion carried unanimously.

Unfinished Business:

1. Vacancy on the Board of Auditors (Elected) to replace Benjamin Libert who possibly moved out of the township.

LG stated that someone will need to get in contact with him to ask him to submit a letter of resignation if he no longer resides in the township. SM responded that someone needs to speak to WJ to find out if the Vacancy Board or Supervisors could fill the position without a letter of resignation. WD stated that nobody knew for sure whether he was still a resident and that he remembered WJ saying that it would have to go to court if Ben Libert did not respond. LG suggested that a family member be contacted to find out Ben's whereabouts.

Adjournment: LG motioned to adjourn the meeting at 7:32 pm and WD seconded the motion. The motion carried unanimously.

Respectfully submitted,

Erin Ober
Mount Pleasant Township
Board of Supervisors