

## MINUTES

### AGENDA MEETING OF HAMPTON TOWNSHIP COUNCIL

WEDNESDAY, MAY 12, 2010

President Son called to order the Agenda Meeting of Hampton Township Council at 7:30 p.m. in the Council Chambers of the Municipal Building located at 3101 McCully Road, Allison Park, Pennsylvania.

Those present: V. Son, President; M. Hunkele, C. Montgomery, M. O'Rorke, P. Russ, Members: J. Speakman, Controller; V. Tucceri, Legal Counsel; W. C. Lochner, Municipal Manager.

#### DISCUSSION REGARDING PEMA/FEMA DECLARATION OF AGENT RESOLUTION

Mr. Lochner advised Council that the snowstorm that occurred on February 5 and 6, 2010 is eligible for FEMA monies; seventy-five percent of the total claims that can be turned in. The Township will be submitting approximately \$100,000 as part of this eligibility and a resolution will need to be adopted at the regular meeting acknowledging a contact person and agree to the DAP-1 agreement between the Township and PEMA.

#### DISCUSSION REGARDING PEMA PUBLIC DISASTER ASSISTANCE APPLICATION AGREEMENT

The proposed agreement would be between the Township and PEMA in accordance with the eligibility to receive FEMA monies in conjunction with the February 5 and 6, 2010 snowstorm.

#### DISCUSSION REGARDING POLICY AND PROCEDURE GUIDELINES FOR TRANSPORTATION CONSULTANT/ENGINEER SELECTION

Mr. Lochner commented regarding the Route 8-Duncan Avenue Transportation Project, the Township will oversee the project and manage it, but to do that the Township has to meet State guidelines with regard to the selection of a consulting engineer. The Commonwealth requires that the Township adopt certain policy and procedure guidelines before RFP's can be pursued. Council received a copy of the proposed guidelines for consideration at the regular meeting.

#### DISCUSSION REGARDING LIAISON FOR ENGINEER SELECTION – DENNIS W. AUKER

Mr. Lochner commented that normally the Township would work with either Trans Associates or Gateway Engineers to monitor the Route 8-Duncan Avenue Transportation Project, however, both have expressed an interest in responding to the RFP for the project. Mr. Dennis Auker is a consulting engineer and has submitted a proposal to serve as liaison between the Township and

**MINUTES**  
**AGENDA MEETING**

**HAMPTON TOWNSHIP COUNCIL**  
**WEDNESDAY, MAY 12, 2010**

PennDOT District 11 and has met all of the criteria. At this point, a brief discussion occurred regarding the timeline for Mr. Auker's services and the cost.

**DISCUSSION REGARDING ANTCC EARNED INCOME TAX COLLECTION UPDATE**

Mr. Lochner gave a brief update regarding the ANTCC Earned Income Tax Collection procedures. The committee met on May 5, 2010 and items on the agenda included the selection of a legal counsel who is Maiello Brungo & Maeillo, as well as the appointment of an appeals board. Mr. Presto was appointed to the appeals board, therefore, leaving a vacancy as an alternate representative for the Township. This alternate would have to be appointed at Council's regular meeting. Mr. Son recommended with his background that Mr. O'Rorke be appointed as the new alternate.

**DISCUSSION REGARDING POTENTIAL MERGER OF THE HAMPTON WATER AUTHORITY WITH SHALER WATER AUTHORITY**

Mr. Son commented that the Township received a letter from the Township of Shaler indicating their selection of a committee regarding the potential merger of the two water authorities. Their committee consists of the Township Manager, Board President, and a number of other people related to their total department operations. The first meeting of the committee will be scheduled for May 26, 2010.

**DISCUSSION REGARDING SHACOG SPRING COMMODITIES BID AWARD**

Mr. Zarenko advised Council that this is an annual bid award program that the Township uses mainly during the storm water and road paving programs.

**DISCUSSION REGARDING YOUTH BASKETBALL LEAGUE FEE PROPOSAL**

Mr. Zarenko commented that several years ago with the dance program, many registrations came in late after the deadline. For the past three seasons, Mr. Ryder has had a similar difficult time with the youth basketball league registrations and it was being recommended to go to a three-tiered fee structure; an early-bird fee, the initial fee, and then a late registration fee. Should Council give approval of this request, DCS will be ready to go for registration in August.

**DISCUSSION REGARDING 2010 ROAD RESURFACING PROGRAM**

Mr. Zarenko advised Council that bids would be opened on May 18, 2010 regarding this year's road resurfacing program. Mr. Son asked if other municipalities have bid their road paving programs and how their bids have been. Mr. Zarenko commented that their estimates have been pretty accurate based on bids coming in.

**DISCUSSION REGARDING 2010 STORM WATER RETENTION POND MAINTENANCE PROGRAM BID AWARD**

Mr. Zarenko commented that bids with regard to this year's storm water retention pond maintenance program would be opened on May 18, 2010.

**DISCUSSION REGARDING MAINE LAND DEVELOPMENT SIMPLE SUBDIVISION/LOT CONSOLIDATION (10-05)**

The applicant is proposing to subdivide an approximately 10+ acre parcel, located at 3290 Maine Drive, in a Residential "A" zoning district, into two (2) lots and to also deed portions of the lot to an adjoining property owner and to the Township as future road right-of-way. Based on Judge James' July 6, 2004 Court Order, the portion of Maine Drive where the parcel is located has been deemed to be a private road.

Mr. Orban commented that the proposed subdivision has been determined to be on the portion of Maine Drive that is private. There are certain requirements in the Land Development Ordinance for subdivisions on private roads, including: 1) the lot does not exceed ten acres, and 2) a road maintenance plan be recorded. The applicant is requesting modifications from Council to both of these requirements. The Planning Commission has recommended approval of the application contingent on receiving those modifications.

Mr. Orban gave a brief history regarding Maine Drive. In 2003, a subdivision was proposed on the road that consisted of thirty lots. Residents opposed the application stating that it was a private road. Council at that time denied the subdivision, which was appealed to the courts and the courts upheld that portions of the road was private. Mr. Tucceri commented that his office is in the process of reviewing that opinion and a recommendation would be provided to Council prior to the next regular meeting.

Mr. Orban also commented that there are two minor unresolved engineering issues that he anticipates would be taken care of before the regular meeting.

The applicant, David Nicklas, advised Council that he had under agreement the additional property that is behind this ten acre piece. It is not his intent to develop it in any way as approximately eight years ago that prompted the lawsuit. Mr. Nicklas stated that his objective was to leave it in its current format. Mr. Nicklas stated this is purely just for the lots; it was not his intent to make a massive development or traffic nightmare on Maine Drive. Mr. Son asked if Mr. Nicklas would consider restrictive deeds for the property. Mr. Nicklas indicated he would consider using restrictive deeds.

**DISCUSSION REGARDING WOBW CHANGE OF USE (10-08)**

In accordance with Section 10.615 of the Zoning Ordinance, R. W. Wobb (aka Premium Motorcars LLC) is requesting a change of use approval for property located at 4236 Route 8, Allison Park, PA 15101, in a Highway Commercial zoning district. The site was used for retail sales of golf equipment and the applicant is proposing to use it as a used auto sales facility. A

**MINUTES**  
**AGENDA MEETING**

**HAMPTON TOWNSHIP COUNCIL**  
**WEDNESDAY, MAY 12, 2010**

temporary occupancy permit has been issued contingent on receiving approval of the Change of Use application.

Mr. Orban advised Council that Mr. Wobb has complied with landscaping and storm water management requirements, and a few minor items remain. Staff would recommend approval of the application, if the minor items are addressed.

Mr. Son commented the Township recently did a change to its sign ordinance to specifically eliminate the multi-messaging of electronic signage to become static so that it isn't a distraction to drivers. Mr. Son indicated that it was his understanding the applicant wished to take his existing sign and relocate it to the new location. Mr. Son stated that if the application was approved, he would have to comply with the current ordinance which would make the sign static for five minutes. Mr. Wobb indicated that he understood that requirement. Mr. Wobb commented that he was establishing a boutique-type business where the majority of vehicles would be sold on line.

Mr. Orban commented that the Township has issued Mr. Wobb a temporary occupancy permit contingent on him receiving the change of use approval and he was allowed to move vehicles onto the site until he gets through this process. Mr. Orban also commented that one of the unresolved engineering items was that there might be a slight glare issue off-site and Mr. Wobb was asked to take care of the problem.

**HEARING FOR APPEAL REQUEST TO AN INTERNATIONAL PROPERTY MAINTENANCE CODE NOTICE OF VIOLATION**

Mr. Eugene Zappa, Buon Senso LLC, is requesting an appeal to a Notice of Violation regarding the removal of a dangerous and unsafe commercial structure located at 4185 Route 8, Allison Park, to be completed within twenty (20) days.

Mr. Orban advised Council that on March 30, 2010, notice was sent to Mr. Zappa regarding his property on Route 8, which was the Hampton Lodge. It was determined that the structure had some issues that needed to be addressed. There was some storm damage to the building and the roof started to cave in from the heavy amount of snow. The Code Enforcement Officer went down to see what other issues there were and found cracks in the masonry structure along the side, in the front, and the roof was also coming apart on top. The Township sent a notice of violation ordering that the structure be demolished. The attorneys for the property owner have requested additional time for further evaluation of the property.

Mr. Son commented he understood the property owner was looking for an extension so that he could continue negotiations with his insurance company in terms of finding out the end result of their analysis of the property.

Mr. Gary Davis, attorney for the property owner, commented that after the collapse of the roof Mr. Zappa proceeded to file an insurance claim. Mr. Zappa discovered that although he had paid the premium to an agent for a policy, that agent neglected to have the policy issued. The agent has filed an Errors & Omissions with his own insurance company and they are currently dealing

**MINUTES**  
**AGENDA MEETING**

**HAMPTON TOWNSHIP COUNCIL**  
**WEDNESDAY, MAY 12, 2010**

with this claim to try and get this matter taken care of. Two demolition estimates were received and it was discovered that there was some asbestos in the building, which it was then necessary to get an estimate for that removal. This information was received with the attorney for the insurance company, who in turn brought in a structural engineer to look at the building and that information has not yet been received. Mr. Davis stated that estimates also need to be received as to repairing the building as compared to demolishing it.

Mr. Son stated that Council was understanding of the situation, but they did not want to be put in a situation six months from now the insurance company does not want to pay out on the E & O claim that they are responsible for. Mr. Son asked what timeframe was the property owner asking for. Mr. Davis indicated that he would request a six-week extension. Mr. Tucceri suggested that they provide a letter to Mr. Orban stating that the property owner would like a 45-day extension at which time Council will consider it.

**There being no further items for discussion, Mr. Son adjourned the agenda meeting at 8:20 p.m.**

Susan A. Bernet,  
Clerk of Council

Victor D. Son,  
President of Council