

**RICHLAND TOWNSHIP  
BOARD OF SUPERVISORS**

**May 7, 2008**

**PUBLIC MEETING**

The Richland Township Board of Supervisors meeting held at the municipal building on Wednesday, May 7, 2008 was called to order at 7:15 p.m. by Chairman Dankmyer. There were four people present in the audience. The Officials present were:

Herbert C. Dankmyer, Chairman  
Raymond P. Kendrick, Vice Chairman  
George P. Allen, Supervisor  
John A. Pasquinelli, Supervisor

Dean E. Bastianini, Township Secretary  
Tina L. Shaw, Recording Secretary  
Charles M. Means, Esquire

**PUBLIC HEARING**

Mr. Dankmyer opened the public hearing on a proposed amendment to Chapter 27 (“Zoning”) Part 9, Section 901.D designating gas and oil wells as Special Exception Uses in the Commercial Industrial (CM) and Restricted Light Industrial (M) Districts. Mr. Means administered an honesty oath to all persons wishing to present testimony.

Mr. Means stated that the gas and oil well regulations are presently in effect as a pending ordinance. Mr. Keally of Bauer Drive stated that he thought people with mineral rights could drill on your property whether you wanted them to or not. Mr. Means explained that the proposed amendment addressed a separate issue by restricting the zones in which gas and oil drilling may occur. Mr. Means acknowledged receipt of a letter from the Allegheny County Economic Development Department regarding a recent Commonwealth Court decision which, if sustained, would prevent local governments from regulating the location of oil and gas wells; even within residential districts. Mr. Means further explained that the Supervisors may proceed with enacting its regulations, provided they understand that if the Commonwealth Court is affirmed, or if an appeal is refused to be heard by the Supreme Court, then the Township’s authority to zone for such activity will be invalidated.

Mr. Means also acknowledged the Planning Commission’s recommendations. Although he felt some of the comments were valid it was his recommendation to refrain from any changes pending resolution of the above referenced Commonwealth Court case.

Since no one else came forward Mr. Dankmyer closed the public hearing.

Mr. Allen made a motion to adopt Amendment No. 118 to Ordinance No. 117 designating gas and oil wells as Special Exception Uses in the Commercial Industrial (CM) and Restricted Light Industrial (M) Districts. Mr. Pasquinelli seconded the motion and it was approved by all.

Mr. Kendrick made a motion to approve the minutes of the Supervisors meeting of April 16, 2008. Mr. Allen seconded the motion and it was approved by all.

Mr. Allen made a motion to approve the bills payable. Mr. Kendrick seconded the motion and it was approved by all.

### **CORRESPONDENCE**

Michael DiBerardinis, Secretary  
Pennsylvania Department of Conservation and Natural Resources

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A letter announcing that the Township is a recipient of a grant in the amount of \$20,000 under the Community Conservation Partnerships Program.

Mr. Bastianini stated that these funds will be used to update the 1997 Master Park Plan, including site specific recommendations for the Community Park in Bakerstown, the former Orchard Park sewage treatment plant site and the municipal center property.

Michael J. Zentz  
West Penn Oil and Gas LLC

A letter offering to purchase or lease the mineral rights to the Community Park property.

The Supervisors instructed the Secretary to write to Michael Zentz advising him that the Township is not interested.

James A. Holzman, Deputy Chief Counsel  
Department of Labor and Industry

A letter advising the Township that prevailing wages are required on the 2008 Road Improvement project. The Secretary reported that he and Mr. Shoup are in the process of compiling figures on the financial impact of this determination. A report will be presented at the next meeting.

An Anonymous Ben Miller Road Resident

Two letters of complaint with regards to junk vehicles located at 4149 Ben Miller Road. Mr. Walzer and the Police Department are investigating the situation. A certified letter was sent to the resident addressing the issue and advising them of the penalties for failing to comply.

Mr. George T. Boehm  
American General Services Corporation

A letter stating that Mr. James Peters is interested in purchasing two lots in the Arcadia Plan and requesting the Township to grant the parcels tax forgiveness.

The Supervisors instructed the Secretary to write to Mr. Boehm advising him that they are not inclined to grant his request.

Pasquale D. Avolio, P.E.  
Director of Development, Giant Eagle Inc.

A letter asking the Township to remove the condition from the Get-Go Store's Occupancy Permit "the current canopy lighting be maintained in the future and that the canopy facade closest to and facing Grandview Drive shall not be illuminated".

The Supervisors acknowledged a letter from the Township Secretary to Mr. Avolio stating that Giant Eagle had violated the conditions of the Get-Go Store's Occupancy Permit by illuminating the entire canopy, including the section between the Get-Go Store and Grandview Drive. The Supervisors authorized the administrative staff to initiate actions to enforce the Conditions of Occupancy including, if necessary, the filing of a citation.

E-Mail Robert E. Goetz, P.E.  
Trans Associates

Mr. Goetz requested the Board to consider whether they would have an objection to Trans Associates providing traffic engineering services to Chatham University for the Eden Hall Farm property or to Wal-Mart in the event it plans to expand the Gibsonia store.

Mr. Kendrick made a motion granting permission for Trans Associates to provide traffic engineering services to Chatham University. Mr. Allen seconded the motion and it was approved by all.

Mr. Pasquinelli made a motion requesting that Trans Associates refrain from providing traffic engineering services for Wal-Mart's Richland facility. Mr. Kendrick seconded the motion and it was approved by all.

The Supervisors reviewed the schedule of events planned in conjunction with the opening of the New Municipal Building.

The Secretary discussed the tentative schedule for adoption of the comprehensive amendment of the zoning ordinance and map. A meeting on the Public Review Draft will be held on Monday, May 12<sup>th</sup>. Carolyn Yagle, EPD will present the latest revisions. The purpose of the meeting is to present the Ad Hoc Committee's final recommendations, and to obtain additional input from Township residents. Next, the Planning Commission will consider the update at its May 19, 2008 meeting. Then the proposed ordinance, and any recommended amendments, will be presented to the Board of Supervisors on May 21<sup>st</sup>. The Supervisors will also consider adopting a resolution authorizing the advertisement of the proposed zoning amendment as a pending ordinance which would take effect on the date of advertisement. Forty-five days following the ordinance's submission to the Allegheny County Department of Planning the Board will hold a public hearing.

The hearing is planned for July 9, 2008 with final consideration and possible adoption of the proposed ordinance scheduled for July 16, 2008.

Mr. Allen made a motion authorizing the Solicitor to prepare a resolution and to advertise the proposed zoning amendment as a pending ordinance. Mr. Pasquinelli seconded the motion and it was approved by all.

### **SOLICITOR'S REPORT**

Mr. Means has completed a draft amendment of the Administrative Code. He asked the Secretary to distribute the amendment so the Supervisors will be prepared to discuss it at a future meeting.

Mr. Means requested an executive session following the meeting to update the Board on a matter of potential litigation pertaining to the General Construction Contract for the new municipal building.

### **COMMENTS FROM THE FLOOR**

Mr. Robert Keally stated that the Pine-Richland School District is offering a work program for senior citizens providing reductions of up to \$500 on participant's real estate tax bills.

There being no further business the meeting adjourned at 8:55 p.m.

Respectfully submitted,