

**BOROUGH OF GREEN TREE  
COUNCIL MEETING  
NOVEMBER 7, 2016**

**Call to Order / Silence for Meditation / Pledge of Allegiance**

Green Tree Borough Council met on Monday, November 7, 2016 at 7:30 p.m. in the Green Tree Municipal Center, 10 West Manilla Avenue, Pittsburgh, Pennsylvania. Mr. Sampogna stated that Council had met in Executive Session prior to this meeting to discuss personnel matters. Mr. Sampogna reminded those present to take a moment to remember the nation's veterans on Veterans Day this Friday.

**ROLL CALL**

**Members Present:**

Mayor Edward A. Schenck  
Mark Sampogna, President of Council  
Rino Lindsey  
David Lorenzini  
John Novak  
Ron Panza  
David Rea  
Arthur Tintori

**Also Present:**

W. David Montz, Borough Manager  
Peter Molinaro, Jr., Borough Solicitor  
Colin Cleary, Chief of Police  
Deborah N. Gawryla, Stenographer

**Public Hearing - CU-03-16**

**Applicant, Boos Development, requesting conditional use approval from Borough Council for the installation of a second drive-thru lane for the proposed Burger King restaurant to be located at 2379 Noblestown Road.**

Mr. Sampogna opened the Public Hearing. Mr. Irving Firman, Attorney from Tucker Arensberg, Mr. John Frydrych from R.A. Smith National, and Mr. Terry Maliga from Boos Development Group, Inc., were present.

Mr. Firman stated that the current application before Council was similar to the one approved by Council several months ago except for the addition of a second drive-thru lane. Mr. Frydrych said the plans had been presented before Council on August 22, 2016 for a 28-seat quick-serve Burger King restaurant. That site plan and the conditional use included a single drive-thru lane. As part of that approval, the applicant had received approval on three of four variances from the Zoning Hearing Board. The variance that had been denied was for the construction of a second drive-thru lane. As a result of a court order on September 8, 2016, Allegheny County ruled that the second drive-thru lane would be permitted. The applicant then submitted these plans that included the second drive-thru lane. Green Tree Planning Commission reviewed the conditional use and site plans with the second drive-thru lane on September 28, 2016. They gave site plan approval and recommended conditional use approval to Council at that time. Submittals are pending with the Allegheny County Conservation District and with PennDOT for the highway occupancy permit (HOP).

Mr. Frydrych said the applicants had presented the plans' adherence to the conditional use criteria at the August 22nd meeting. This included adherence to both the performance standards and the drive-thru as a conditional use for a fast food restaurant. Council had placed several conditions on the plans at the August 22nd meeting and those conditions have been included on the current plans. They are:

- The preservation of the steep slope and wooded area.
- The clearing and maintaining of the 27' offset from School Street and inward to the site.
- The requirement for review, acceptance and approval by PennDOT of the driveway.

Mr. Frydrych said they are awaiting PennDOT's approval of the HOP. The plans have not changed otherwise except for the addition of the second drive-thru lane.

Mayor Schenck asked if there was a restriction on the height of the clearance of the vegetation to the left of the Burger King exit onto School Street. Mr. Frydrych replied that there was a 6" maximum height permitted in that area and it is noted on the drawings. Mayor Schenck asked what was the applicant's anticipated timeframe for construction. Mr. Frydrych replied that pending approval this evening, construction would begin in spring 2017 with an anticipated summer opening.

When asked, Mr. Frydrych said that PennDOT is waiting for Allegheny County Conservation District approval of the NPDES permit. Mr. Montz said the borough would be contacting PennDOT for the right to review the HOP. To date, PennDOT has not yet sent the HOP to the borough.

Mr. Lorenzini asked if the laundromat had been closed. Mr. Frydrych replied that the laundromat is still operational. Mr. Maliga stated that they anticipate closing on the property at the beginning of January 2017 and the current owner of the laundromat has been informed that he must vacate by the end of December. They anticipate no problems.

Mr. Montz stated that this Public Meeting had been advertised according to law. Mr. Firman added that the application had also been submitted as part of the public record. Mr. Sampogna asked if there was anyone present who wished to speak about this proposed plan. There was no one who wished to be heard; therefore, Mr. Sampogna closed the Public Hearing at this time.

### **APPROVAL OF THE MINUTES**

#### **September 26, 2016**

##### **Motion:**

**Mr. Lindsey made a motion, seconded by Mr. Lorenzini, to approve the minutes from the September 25, 2016 Council meeting as presented.**

**Motion carried, 5-0-2, with Mr. Novak and Mr. Tintori abstaining because they had not attended this meeting.**

#### **October 3, 2016**

##### **Motion:**

**Mr. Novak made a motion, seconded by Mr. Lindsey, to approve the minutes with a correction to the MRTSA proclamation on page 3, which read "Now, therefore, be it resolved that Green Tree Borough Council and Mayor Schenck *recognize the recommend . . .*"**

Discussion continued regarding what the exact wording should be. Mr. Molinaro said that if a decision could not be reached, the approval of the minutes should be tabled until the next meeting. Upon further review, Mayor Schenck said this phrase should be corrected to read, "Now, therefore, be it resolved that Green Tree Borough Council and Mayor Schenck ***recognize and commend . . .***" Council agreed.

Mr. Novak withdrew his motion to allow for an amended motion.

##### **Amended Motion:**

**Mr. Lindsey made a motion, seconded by Mr. Lorenzini, to approve the minutes from the October 3, 2016 Council meeting with the following correction:**

p. 3, last paragraph of the MRTSA proclamation the sentence reading, " Now, therefore, be it resolved that Green Tree Borough Council and Mayor Schenck ***recognize the recommend . . .***" be corrected to read, " Now, therefore, be it resolved that Green Tree Borough Council and Mayor Schenck ***recognize and commend . . .***"

**Motion carried, 5-0-2, with Mr. Tintori and Mr. Rea abstaining because they had not attended this meeting.**

**October 24, 2016**

**Motion:**

**Mr. Tintori made a motion, seconded by Mr. Lindsey, to approve the minutes from the October 24, 2016 Council meeting as presented.**

**Motion carried, 5-0-2, with Mr. Sampogna and Mr. Lorenzini abstaining because they had not attended this meeting.**

**HEARING OF THE CITIZENS**

**John Bonassi, 1085 Tomaino Drive**

Mr. Bonassi thanked Council for their continued support of the library. In September, the library had a grant match from the Jack Buncher Foundation. Mr. Bonassi said he had found this grant presentation to be so outstanding that he felt obligated to match his own contribution again. He said he was attending tonight's meeting to present his matching gift to the library. Mr. Bonassi said he had not realized that the Friends of the Library were going to be honored at tonight's meeting, but was pleased to see them and present his matching gift directly to the library.

**Sandra McCann, West Manilla Avenue**

Mrs. McCann said she had been walking her dog to the dog park two weeks ago. She was walking through the parking lot at Green Tree Park towards the dog park when an Animal Control officer stopped her and said she was in violation of an ordinance and would be cited the next time she walked her dog through the park. The Animal Control officer told her that dogs could not go to the dog park unless they are in a vehicle. Mrs. McCann asked if a walking entrance to the dog park could be made to allow residents that wish to walk to the park instead of driving be able to get to the dog park.

Mr. Montz said that Animal Control was misinformed and he would let them know. There is an ordinance that states that dogs can be walked through the parking area to get to the dog park. Mrs. McCann said that a friend of hers had the same experience last year with a police officer who stopped her from walking through the parking lot to the dog park. Mr. Montz said that Chief Cleary was in the audience and he would discuss it further with him tomorrow.

**Mary Regan, 134 Sheldon Avenue**

Mrs. Regan said there are no sidewalks along Mansfield Avenue between Holiday Drive and the DoubleTree Hotel. She often sees people walking in that area. Recently she was driving down Mansfield when it was dark and she narrowly missed hitting a pedestrian walking there when she did not see him. She said there are a number of people who work in that area who do not arrive by car and must walk there to get to work. She felt the topography in that area is challenging for pedestrians and there are some areas that do not have much space for walkers. Mayor Schenck acknowledged that Mrs. Regan had addressed this issue to him at Mayor's Office Hours.

**Greg Sheffer, 116 Kenmore Street**

Mr. Sheffer said he has lived in Green Tree for two years and has been very happy here. However, there has been a problem with vehicles idling at the school bus stop where children congregate. Mr. Sheffer said he had asked some of the parents who were idling their vehicles if they could stop idling or move their cars. This was not well received by these parents and the next day after his children were picked up by the school bus another parent harassed him.

Mr. Sheffer said he contacted the school district and asked what else could be done to resolve this issue. Mr. Sampogna thanked Mr. Sheffer for bringing it to Council's attention. He suggested that Mr. Sheffer discuss this issue further with the Chief of Police.

### **MAYOR'S REPORT - Mayor Schenck**

1. Mayor Schenck congratulated the Friends of the Green Tree Public Library on their 35th anniversary. The borough has an excellent library and it is well thought of in the community.
2. Mayor Schenck said MRTSA is celebrating their 40th anniversary with a special dinner on November 17th.
3. Mayor Schenck stated that he would be attending an Eagle Scout presentation on November 20th for Antonio Casadei.
4. Mayor Schenck said that he, Mr. Sampogna, and Mr. Tintori had recently attended a meeting with County Executive Rich Fitzgerald, Congressman Mike Doyle, Representative Dan Deasy, and State Senator Wayne Fontana. Green Tree's representatives are making contacts with others outside of the community to help with local issues.

### **REPORT OF GREEN TREE BOROUGH COUNCIL COMMITTEES**

#### **A. RECREATION & COMMUNITY AFFAIRS - Mr. Panza**

##### **1. Resolution #1236 - Recognizing the 35th Anniversary of the Friends of the Green Tree Public Library.**

##### **Motion:**

**Mr. Panza made a motion, seconded by Mr. Novak, to adopt Resolution #1236.**

Mr. Panza read Resolution #1235 as follows:

"Whereas, a group of library enthusiasts first met on November 16, 1981 to create a volunteer support group with the objective of making the Green Tree Public Library a more viable community asset and,

Whereas, the Friends of the Green Tree Public Library continues as an organization of dedicated people who love and support the library and are committed to the belief that a quality library is an essential part of our community, and

Whereas, the Friends ongoing financial support enables the library to expand its wide range of programming and provides funding beyond that provided by local, regional and state government.

Whereas, the Friends, because of their generous support, received the Allegheny County Library Association Friends Group of the Year Award in April 2000, and

Whereas, the Friends of the Green Tree Public Library conducts a variety of events such as:

- Weekly Exercise Classes
- Holiday Story Time with the Easter Bunny and Santa Claus.
- Annual Summer Reading Program Pool Party.
- Halloween Story Time and Costume Parade.
- Summer Water Aerobics at Wilson Park Pool.
- Rare Book Workshops & Book Swaps.
- Best of the Best Half Price Book Sale and Dessert Buffet.
- Started the Library's Book-On-Tape Collection.
- Helped to fund the Library's automated resources.
- Evening Story Time for Children.

Whereas, through their fundraising efforts, the Friends have contributed to funding the Children's Corner, the Circulation Desk, the Book Drop, development of the library website, and a perpetual plaque and a podium banner to honor Green Tree Public Library for its recognition by Library Journal as an American Star Library.

Whereas, November 16, 2016 marks the 35th Anniversary of the Friends of the Green Tree Public Library,

Now, therefore, be it resolved that Green Tree Borough Council and Mayor Schenck do hereby extend sincere congratulations to the Friends of the Green Tree Public Library and wish them continued success in their future endeavors, and

Be it further resolved that a copy of this Resolution be tendered to the Green Tree Public Library as a memorial and token of Council's esteem."

**Roll Call Vote**

<b>Mr. Panza</b>	<b>Yes</b>
<b>Mr. Novak</b>	<b>Yes</b>
<b>Mr. Rea</b>	<b>Yes</b>
<b>Mr. Lorenzini</b>	<b>Yes</b>
<b>Mr. Lindsey</b>	<b>Yes</b>
<b>Mr. Tintori</b>	<b>Yes</b>
<b>Mr. Sampogna</b>	<b>Yes</b>

**Motion carried unanimously.**

Mr. Sampogna said that the Friends of the Library also put in hundreds of hours in the preparation and execution of the annual Used Book Sale.

**2. Setting date, time and place of regular, monthly Council Meetings for the year 2017.**

**Motion:**

**Mr. Panza made a motion, seconded by Mr. Novak, to hold the regular monthly 2017 meetings of Green Tree Borough Council on the first Monday of each month except for the months of January, July, and September. Those meetings will be held on the second Mondays of those months: January 9, 2017, July 10, 2017, and September 11, 2017. All meetings will begin at 7:30 p.m. prevailing time in the Green Tree Municipal Center, 10 West Manilla Avenue, Pittsburgh, PA 15220. Adjourned meetings will be held on the second, third, fourth, or fifth Mondays of each month, as needed.**

**Motion carried unanimously.**

**3. Appointment of Official and Alternate Delegates to the Allegheny County Boroughs Association.**

**Motion:**

**Mr. Lorenzini made a motion, seconded by Mr. Novak, to appoint Mr. Ron Panza as the Official Delegate and Mayor Ed Schenck as the Alternate Delegate to the Allegheny County Boroughs Association.**

**Motion carried unanimously.**

**4. Appointment to Recreation and Community Activities Board**

**Motion:**

**Mr. Panza made a motion, seconded by Mr. Lindsey, to appoint Ms. Jill Folkmire to the Recreation & Community Activities Board.**

**Motion carried unanimously.**

**5. Parkedge Sound Barrier Committee Meeting Report**

**Mr. Panza said that the Parkedge Sound Barrier Committee had recently met with 20-30 people in attendance. There was a presentation by Ms. Joanne Borgesi regarding efforts that had been undertaken about 35 years ago for a sound barrier. At that time, efforts to push PennDOT into taking action seemed to have stalled, but a lot of efforts had been made for a sound barrier at that**

time. Mr. John Bonassi, from the audience, said he had been part of the group pushing for a sound barrier back then and he still has a file with history, information and contacts from those meetings that he would share with Mr. Panza. Mr. Panza said the committee is continuing to look into ways to get a sound barrier installed in the Parkedge area.

**B. PLANNING & ZONING - Mr. Lorenzini**

**1. CU-03-16**

**Applicant, Boos Development, requesting conditional use approval for the installation of a second drive-thru lane for the proposed Burger King restaurant to be located at 2379 Noblestown Road.**

**Motion:**

**Mr. Lorenzini made a motion, seconded by Mr. Lindsey, to approve CU-03-16, applicant, Boos Development, for conditional use approval for the installation of a second drive-thru lane for the proposed Burger King restaurant to be located at 2379 Noblestown Road.**

Mr. Lorenzini said that Planning Commission had provided a letter to Council, dated October 20, 2016, recommending conditional use approval contingent upon the receipt of the highway occupancy permit.

**Motion carried, 6-1, with Mr. Lorenzini voting "No."**

**2. General Report**

(a) Mr. Lorenzini said work is underway on the top floor of the Bentley office building.

(b) The apartments next to Aiken School have been demolished.

(c) Council will be meeting on December 12, 2016 to continue its review of the proposed zoning ordinance.

(d) Mr. Lorenzini said that the Zoning Hearing Board would be meeting on Thursday, November 10 for a variance for 115 Rothesay Avenue for the possible installation of a fence on the side of their existing house.

(e) Mr. Lorenzini expressed sadness regarding the passing of former Mayor Hammer and thanked the police department and administration for the excellent work they provided at his funeral honoring him.

**D. PUBLIC SAFETY - Mr. Lindsey**

Mr. Lindsey had nothing to report at this time.

**E. FINANCE - Mr. Tintori**

**1. Motion:**

**Mr. Tintori made a motion, seconded by Mr. Novak, to ratify the actions of the Borough Manager in paying the October 2016 invoices from the General Fund totaling \$327,765.59, Payroll Account totaling \$183,193.53, and Educational Service Agency totaling \$5,655.31.**

**Motion carried unanimously.**

**2. Motion:**

**Mr. Tintori made a motion, seconded by Mr. Novak, to approve payment of the November 2016 invoices from the General Fund totaling \$574,569.95, Sanitary Sewer Maintenance Fund totaling \$15,322.01, and Capital Projects Fund totaling \$90,291.51.**

Mr. Rea asked why there were a number of wastewater refunds. Mr. Montz replied that some of these refunds could be for credit meters and others were possibly the result of the sale of a property.

**Motion carried, 6-0-1, with Mr. Lindsey abstaining.**

**3. Resolution #1237**

**Allocating funds received from the State in 2015 to the Non-Uniformed Employees and Police Pension Plans.**

**Motion:**

**Mr. Tintori made a motion, seconded by Mr. Lindsey, to adopt Resolution #1237 by title only.**

Mr. Molinaro read Resolution #1237 by title only.

**Roll Call Vote**

<b>Mr. Tintori</b>	<b>Yes</b>
<b>Mr. Lindsey</b>	<b>Yes</b>
<b>Mr. Lorenzini</b>	<b>Yes</b>
<b>Mr. Panza</b>	<b>Yes</b>
<b>Mr. Novak</b>	<b>Yes</b>
<b>Mr. Rea</b>	<b>Yes</b>
<b>Mr. Sampogna</b>	<b>Yes</b>

**Motion carried unanimously.**

**4. Set date for public hearing on 2017 Proposed Budget.**

**Motion:**

**Mr. Tintori made a motion, seconded by Mr. Lindsey, to hold the review of the proposed 2017 budget on Monday, November 21, and to hold the Public Meeting for the proposed budget on Monday, December 5. Both meetings will be held at 7:30 p.m. in the Green Tree Municipal Center.**

**Motion carried unanimously.**

**E. STREETS & PUBLIC HEALTH - Mr. Novak**

1. Mr. Montz stated that the borough is still waiting for the paving contractor to pave the borough streets in the next week or two if the weather holds out.
2. Mr. Montz reported that the borough had applied for the GROW grant and the grant recipients will be announced near the end of the year.
3. Mr. Sheffer, from the audience, asked if there was an ordinance that would require a buffer from exhaust fumes around school bus stops. Mr. Montz said he did not think there was such an ordinance in Green Tree, but Allegheny County has a regulation regarding diesel idling. Mr. Montz said he would be in touch with Mr. Sheffer about the idling situation at his daughter's school bus stop after discussing it with the Borough Solicitor and checking with other communities to see if the borough has a right to create this type of regulation. He would then inform Council and Mr. Sheffer as to what, if any, rights the borough has as a municipality. Mr. Sheffer said that the school district had indicated that this was not their problem and the students are not the school district's responsibility until the children are on the bus.

Mr. Rea told Mr. Sheffer that if he should feel threatened, he should call 911 immediately. Mr. Sheffer said he was primarily concerned about public health and the children's health. Mr. Montz said that sometimes the borough has worked with the school district on the placement of the school bus stops. They have been cooperative in the past when the borough has wanted a stop location changed. Discussion continued regarding county regulations regarding the burning of diesel fuel and Mr. Montz agreed to discuss this issue further with Mr. Sheffer at a later time.

**F. PUBLIC PROPERTY & EQUIPMENT - Mr. Rea**

**1. Update on School Property**

Mr. Rea reported that the borough had made an initial proposal to the school board. The school board met last month, but there was no a majority in favor of moving forward on the proposal. One school board member had suggested that Mr. Montz contact the school superintendent to see what further opportunity was available. However, at this point, it does not seem to be moving beyond the initial proposal.

**2. Nature Center Improvements**

Mr. Rea said that Council members had met with members from the Hollow Oak Trust several months ago. The Hollow Oak Trust helps municipalities improve the sustainability of trails and they provided a proposal on improvements to the Nature Center's trail network last week. The proposal is under consideration.

3. Mr. Rea asked about the status of the trees along the Greentree Cemetery on Greentree Road. Mr. Montz said it would be proposed in the budget.

4. Mr. Montz asked about the status of the signage around the borough. Mr. Montz said that it would be done this year.

**LIAISON REPORTS**

**A. MRTSA - Mr. Montz**

Mr. Montz said there is a buffet dinner scheduled to honor MRTSA's 40th year. He said he would provide Council and the Mayor with additional information via email.

Mr. Montz noted that the concept of MRTSA came about 40 years ago from Chief of Police in Mt. Lebanon at that time. The former Chief of Police who started MRTSA will be at this celebration.

Mr. Montz hoped that an evening could be arranged early next year to allow Council members to visit the MRTSA operation and see the equipment and the facility.

**B. Char West COG - Mr. Novak**

Mr. Novak said the COG's guest speaker was Mr. George Grace from S3 Storm Water Resources. Mr. Grace spoke about various methods and the equipment used to help prevent leaves from going down storm drains. He also gave a presentation regarding porous types of stones that can be placed to help storm water drainage.

Mr. Novak said that Mr. John Schombert, Executive Director from Three Rivers Wet Weather would be the guest speaker at November's COG meeting.

**C. Library**

Mr. Sampogna said the Friends of the Library conducted its annual Used Book Sale in October and it was reported to be very successful.

Mr. Sampogna said that the library is offering coloring for all ages to relieve stress tomorrow either before or after people vote.

**PRESIDENT'S REPORT - Mr. Sampogna**

- A.** Mr. Sampogna thanked the law firm of Dell, Moser, Lane & Loughney, LLC, the Borough Solicitor's law firm, for a good workman's compensation litigation program.
- B.** Mr. Sampogna said that he and the Mayor and other elected officials had met earlier this evening. At that time, Pittsburgh City Councilwoman Theresa Kail-Smith invited the Green Tree officials to participate in additional meetings that might be held with the owners of Parkway Center Mall.
- C.** Mr. Sampogna said the director of Three Rivers Wet Weather would be speaking at the next Char West COG meeting. There will also be a meeting between elected officials, Three Rivers Wet Weather, and ALCOSAN on municipal source reduction and flow target updates on November 30 at 7:00 p.m. at the DoubleTree in Green Tree.

**SOLICITOR'S REPORT - Mr. Molinaro**

Mr. Molinaro had nothing to report at this time.

**MANAGER'S REPORT - Mr. Montz**

- A.** Mr. Montz said that Council and the Mayor would be receiving their copies of the proposed 2017 budget on November 15.

**ADJOURNMENT**

**Motion:**

**Mr. Panza made a motion, seconded by Mr. Lindsey, to adjourn the meeting.**

**Motion carried unanimously.**

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Mark Sampogna, President

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W. David Montz, Manager

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