

**HEMPFIELD TOWNSHIP BOARD OF SUPERVISORS
SUPERVISORS MONTHLY MEETING**

**August 25, 2008
7:00 PM**

Members Present: Mr. John Silvis Mr. R. Douglas Weimer
 Mr. John Bossi Mr. Robert Davidson
 Mr. Tom Logan

Staff Present: Mr. Rob Ritson Mr. Les Mlakar
 Mr. Dan Schmitt Ms. Lorece Stanton
 Mrs. Lynda Lytle

1. CALL TO ORDER AND PLEDGE TO THE FLAG

Mr. Silvis called the Monthly Meeting of the Hempfield Township Board of Supervisors held in the Hempfield Township Municipal Building to order at 7:00 p.m.

2. CITIZENS COMMENTS (As Per Resolution #99-11)

Mr. Dan Horner of 136 LaPointe Road in the Lago de Vita Community stated that he and the residents of Lago de Vita feel the siren located at the West Point VFD is obtrusively loud.

Mr. Rich Dinesko of 511 New Haven Drive read a prepared statement opposing the use of the siren at the West Point Fire Station. He stated that the siren is not necessary since all volunteer firefighters can be notified of emergencies on their cell phones, minitors, etc. He then read decibel level reports and the negative effects that high decibel noise has on hearing. He asked that the Township site them under the existing Township noise ordinance.

Mr. Al Platos of 509 New Haven Drive stated that he was opposed to the use of the fire siren and asked that the Board force West Point VFD to discontinue use of the siren. Many times the siren goes off and none of the emergency personnel shows up at the station because they are notified by their pagers, cell phones, etc. that it is not necessary for them to respond. They only respond 33% of the times the siren goes off. He also requested that Township staff go to the fire station and listen to the siren to discover how loud it actually is. No matter where the siren is moved it is going to infringe on someone.

Mr. Paul Kerber of 281 North First Street in North Huntingdon stated that he has a few properties on Penn Manor Road and is requesting that the Board of Supervisors approve his request for a conditional use hearing so he can park school buses on his land. He was instructed that his request would be handled later in the meeting as it is listed on the agenda.

Mr. Chris Kent of 125 West Point Drive stated that he believes that one of the greatest disservices that can be done to our community would be if an audible fire alarm is no longer used. The fire siren notifies drivers, pedestrians and children on the road of an emergency and that volunteer firefighters will be

driving to the fire station and driving fire trucks from the station through the community to get to that emergency. He also stated that the West Point area is notorious for bad radio signals.

Mr. Bill McLaughlin of 510 New Haven Drive stated that the siren currently in use is not a fire whistle but an obtrusive, loud air raid siren and should be changed to a more appropriate siren. Also, there was a two year period that West Point VFD operated completely without a working siren.

Mr. Randy Hayward of 515 New Haven Drive read a prepared statement opposing the use of this fire siren by West Point VFD.

Mr. Neal Connelly of 529 New Haven Drive stated that he opposes the use of this fire (air raid) siren.

Mr. Silvis asked if there were any firefighters in the audience.

Mr. Greg Saunders of 318 Price Street stated that Bovard VFD uses the same decibel fire siren, but an older version of the West Point VFD siren, for the past 50 years or longer. West Point VFD has done decibel tests approximately 100 feet away from the siren and got decibel level readings of 115. The siren is very important. It lets the person making the emergency call know that the fire department is on its way. They ran calls for two years without a siren because it broke and they had to raise the money to buy another one. The fire whistle is important to people experiencing the emergency. When the siren goes off those persons know that the company is responding to their emergency. Mr. Silvis stated that there are several Supervisors that live in the West Point area and the situation has not been ignored. Mr. Davidson stated that the Board has been working on the problem. Mr. Bossi has done some research on a couple of ideas to help the situation. This situation has been discussed since early summer.

Mr. Mlakar has not received a response to the August 13, 2008 letter he sent to Attorney Kim Houser, the attorney for the West Point Volunteer Fire Department. The Township has no liability with respect to the Fire Department placement of the siren on their property. The Township cannot be sued for negligence or malfeasance. There are two types of nuisances, private and public. Each individual that has addressed the Board probably has a cause of action (civil action) for a private nuisance against the volunteer fire department, because the siren is affecting their health, welfare and their right to peaceful enjoyment. The Township has a nuisance ordinance for public nuisances, which would cover nuisances to the area in general. There obviously has been enough information given that this could possibly be interpreted to be a public nuisance. The burden of proof on a township enforcing its ordinance is greater than it would be on a private individual bringing a law suit. For the Township to bring action against the fire department numerous steps would have to be taken; such as, retaining the services of someone certified to do the decibel level measuring, someone would have to be hired to testify as to the general effect this level of noise has on the public as a whole in the surrounding area, etc. The Township would also have to balance the rights of citizens to be free of intrusive noise against the siren being a necessary inconvenience for the general health and welfare of the general public. Also, is this type of siren necessary or can it be located in a different area allowing the volunteer firefighters to effectively respond to emergencies. The Board must decide whether or not it would want to bring a cause of action against the local volunteer fire department as a public nuisance. Discussions have been held between several members of the Board and the West Point Fire Department to try and mitigate these issues. This matter should not be dragged out much longer.

Mr. Logan than asked Greg Saunders how many other fire department have a similar model siren? Mr. Saunders stated that there were probably six departments with some being older and some newer. Two companies do not have a siren at all because they cover a smaller area making the siren unnecessary.

Mr. Logan asked if the Township had a decibel meter. Mr. Ritson stated that the Township does not own a calibrated decibel meter and that possibly someone would have to be hired to do the reading. Mr. Mlakar stated that readings would have to be taken at various times because the air temperature, the wind, etc. can affect the reading levels. Mr. Logan would like to have a sampling of readings at several different fire departments. Mr. Mlakar stated that it could be done.

Mr. Weimer asked if the information on the West Point VFD decibel level reading given during citizen's comments was taken by a person certified to do readings. West Point VFD bought a new decibel meter to take readings. He also wanted to know if anyone had any information as to whether the fire department had done anything to lower the decibel levels. Mr. Saunders stated he thought West Point did changes to the siren sequences.

Miles Webb of 881 Dogwood Lane (Assistant Chief of West Point VFD) stated that there is a computer board within the siren. The company that the siren was purchased from has to be called to change any of the sequences. It was originally programmed for three minutes of steady wail, which is the federal disaster siren. That program cannot be changed in this siren. That has to stay in the system. The company did come out and change the siren to a 60 second time sequence. Unfortunately the disaster steady wail was left in the sequence. The third time it was programmed as a fire siren, which is an up and down signal. It blasts 5 seconds on, 15 seconds off, 5 seconds on for a total of 30 seconds and never peaks to a disaster warning steady wail. Once the siren is tripped it must go through the complete program. It cannot be shut off in mid cycle.

Motion:

Mr. Logan made a motion, seconded by Bob Davidson, that Dave Roddy and Mike Volpe go out to West Point, with their permission and get their decibel meter. They take a decibel meter reading at West Point and two other fire stations in Hempfield Township with the same meter and bring those reports back to the Board at the next meeting. And, I would like to have, at each location, a diagram of how the sirens are mounted and how far they are to the intersections.

Question:

Mr. Weimer questioned if the diagram would just show West Point or all the fire stations. Diagrams of all the locations that are tested showing how high they are mounted on the pole and where they sit at on the property. Mr. Webb stated that he has the printout of how the siren is programmed. Mr. Logan would also like that to be included in the study.

Vote: 5-0. Motion carried.

3. EXECUTIVE SESSION - None

4. SECRETARY'S REPORT

Approval of Minutes

a. July 24, 2008; 7:15 p.m.; Eastview Zone Change Hearing

Mr. Weimer made a motion, seconded by Mr. Logan, to approve the minutes as presented. Vote: 5-0. Motion carried

- b. July 24, 2008; 7:00 p.m.; Adam Eidemiller Zone Change Hearing (Mini-Storage)**
Mr. Weimer made a motion, seconded by Mr. Davidson, to approve the minutes as presented. Vote: 5-0. Motion carried.

- c. July 28, 2008; 7:00 p.m.; Supervisors Monthly Meeting**
Mr. Weimer made a motion, seconded by Mr. Logan, to approve the minutes as presented. Vote: 5-0. Motion carried.

Correspondence

Mr. Weimer received letters from Rescue #14 EMS and McKenna Senior Citizen Center thanking the Board of Supervisors for the donations to their respective organizations.

Mr. Weimer then stated that he had received a petition from the residents of Margaret Avenue, Cranberry Street and Sunview Avenue located in the Lincoln Heights section of the Township requesting a traffic calming device.

5. STAFF REPORTS -- (Written reports distributed prior to meeting)

- a. Township Manager**
Mr. Ritson stated that he would like to add an additional item to the agenda being Resolution #2008-57, the McGuire Subdivision, for approval with no conditions.

- b. Solicitor**
Mr. Mlakar stated that he previously gave the Board his report and has nothing further to discuss.

- c. Engineer**
Mr. Schmitt stated that he previously gave the Board his report and has nothing further to discuss.

- d. Director of Public Works**
Mr. Volpe stated that he previously presented the Board with his report and has nothing further to discuss.

6. TREASURER'S REPORT

Mr. Ritson briefly reviewed the Treasurer's Report. He feels that the Township may be close to reaching the \$1,600,000.00 in real estate tax collection, but may not reach the \$1,670,000.00 projection for the 2008 Final Budget. The problem with the Local Services Tax is that the method of collection was changed this year to \$1.00/week. Only three quarters of collection will be seen this year. A large amount of this money will come in during the month of December which may throw the projected numbers off. The tentative budget to be approved at the end of November will look different than the final budget approved in December. A concerted effort has been made to keep costs down this year. Also, no bids were received in the second effort to secure salt bid prices for the upcoming winter season (2008-09). The Township will be purchasing salt by piggybacking on the State contract. There was also a 14% increase in health care prorated over a 6-month period because the year runs from July 1 to June 31st.

Mr. Logan made a motion, seconded, by Mr. Weimer, to approve the Treasurer's Report as presented. Vote: 5-0. Motion carried.

7. PAYMENT OF BILLS

- a. General Fund -- \$543,028.34**
- b. Light District Fund-- \$6,911.48**
- c. Recreation PLGIT Account -- \$5,795.70**
- d. Pop Fund -- \$50.00**

Mr. Weimer made a motion, seconded by Mr. Davidson, that the Township bills be paid as listed on the Agenda as items A through D.

Question:

Mr. Silvis questioned if the Pop Fund was from the Rec Center. Mr. Ritson explained that the money is collected from the vending machines.

Vote: 5-0. Motion carried.

8. SCHEDULING OF HEARINGS - None

9. DECISIONS FOR HEARINGS - None

10. PLANNED RESIDENTIAL DEVELOPMENTS (PRD) - None

11. SITE PLANS

- a. Consideration to Approve Resolution #2008-49, Which Grants Final Conditional Approval to the Kennemetal, Inc. Site Plan (#20080024):**

Mr. Logan made a motion, seconded by Mr. Davidson, to approve Resolution #2008-49. Vote: 5-0. Motion carried.

- b. Consideration to Approve Resolution #2008-50, Which Grants Final Conditional Approval to the Sonic Drive-In Site Plan (#20080026):**

Mr. Davidson made a motion, seconded by Mr. Bossi, to approve Resolution #2008-50. Vote: 5-0. Motion carried.

12. SUBDIVISION PLANS

- a. Consideration to Approve Resolution #2008-51, Which Grants Final Conditional Approval to the Fletcher Subdivision (#20080028):**

Mr. Davidson made a motion, seconded by Mr. Logan, to approve Resolution #2008-51. Vote: 5-0. Motion carried.

b. Consideration to Approve Resolution #2008-52, Which Grants Final Approval of Gladys Maline Estate Subdivision (#20080031)

Mr. Davidson made a motion, seconded by Mr. Bossi, to approve Resolution #2008-52. Vote: 5-0. Motion carried.

c. Consideration to Approve Resolution #2008-53, Which Grants Final Approval of Mt. Odin Heights Plan Revision to Lots #35 & 36 Subdivision (#20080038)

Mr. Davidson made a motion, seconded by Mr. Logan, to approve Resolution #2008-53. Vote: 5-0. Motion carried.

d. Consideration to Approve Resolution #2008-54, Which Grants Final Approval to the Jablonsky Subdivision Plan (Plan #20080029)

Mr. Davidson made a motion, seconded by Mr. Bossi, to approve Resolution #2008-54. Vote: 5-0. Motion carried.

e. Consideration to Approve Resolution #2008-55, Which Grants Final Approval to the Brady Subdivision Plan (#20080036)

Mr. Davidson made a motion, seconded by Mr. Bossi, to approve Resolution #2008-55. Vote: 5-0. Motion carried.

f. Consideration to Approve Resolution #2008-57, Which Grants Final Approval to the McGuire Subdivision Plan

Mr. Davidson made a motion, seconded by Mr. Logan, to approve Resolution #2008-57.

Discussion:

Mr. Davidson asked for a brief description of what this plan entails. Mr. Ritson stated that this is a lot line adjustment to make the one lot larger so that a house can be built on it.

Vote: 5-0. Motion carried.

13. ACTION TO BE TAKEN

a. Consideration to Approve Ordinance #2008-06, Which Establishes a Three-Way Stop at the Intersection of West Point Drive and Ridgfield Drive:

Mr. Bossi made a motion, seconded by Mr. Davidson, to approved Ordinance #2008-06. Vote: 5-0. Motion carried.

b. Consideration to Approve Resolution #2008-56, Which Amends Resolution #2006-100, Providing for an Amendment to the Hempfield Township Code of Conduct:

Mr. Davidson made a motion, seconded by Mr. Bossi, to approve Resolution #2008-56.

Discussion:

Mr. Weimer asked when the Board was going to discuss this matter as it was tabled at the last meeting. Mr. Ritson explained that it was erroneously placed on the agenda. Mr. Mlakar stated that this is being done to amend the original Code of Conduct Resolution #2006-100 and add the following:

In the event a duly elected Supervisor of the Township of Hempfield becomes employed by any person, partnership, corporation or other entity which may create a potential of a conflict of interest, said supervisor shall file a written notice with the Township of Hempfield, indicating the employment by said person, partnership, corporation or other entity.

All other provisions of the previous resolution will remain in full force and effective. The Solicitor was asked to draft this as an interim provision between the filing of ethics statements. This would give the Township a record of employment should a conflict of interest arise and would be in addition to the filing of the ethics statement.

Vote: 4-Yes. 1-No, Mr. Logan. Motion carried.

c. Consideration to Approve Granting of a 90-Day Extension to Commonwealth Renewable Energy Site Plan:

Mr. Logan made a motion, seconded by Mr. Weimer, to grant the final 90-day extension. Vote: 5-0. Motion carried.

d. Consideration to Approve Extension with Pashek & Associates for Zoning Ordinance Amendment Until 12-31-08, at a Maximum Cost of \$2,000.00:

Mr. Bossi made a motion, seconded by Mr. Davidson, to approve the extension with Pashek Associates. Vote: 5-0. Motion carried.

e. Consideration to Approve the Following Emergency Service Applications Pending Successful Completion of a Physical Examination:

1) Lawrence Brobst, II	Hannastown VFD	Sr. Firefighter
2) Joseph Thomas, Jr.	Luxor VFD	Sr. Firefighter
3) Scott smith	Luxor VFD	Sr. Firefighter

Mr. Bossi made a motion, seconded by Mr. Davidson, to approve the emergency services applications of the fire service volunteers as listed pending successful completion of their physical from the Township physician. Vote: 5-0. Motion carried.

f. Consideration to Approve Scheduling a Conditional Use Hearing for Paul Kerber:

Mr. Bossi made a motion, seconded by Mr. Logan, to approve Mr. Kerber's request for a hearing.

Mr. Mlakar explained that Mr. Kerber's request for a bus park/bus garage does not fall under the auspices of a conditional use for his A-1, Agricultural zoned property. Since no provision exists in the Ordinance to permit this type of conditional use, a hearing cannot be scheduled. Mr. Kerber does have the option to seek a zone change or a variance of use before the Zoning Hearing Board.

Vote: Motion died due to lack of a vote.

Mr. Silvis then asked: All those in favor of denying Mr. Kerber's request for a conditional use hearing?

Mr. Davidson: Aye
Mr. Bossi: Aye
Mr. Logan: Aye
Mr. Weimer: Aye.
Mr. Silvis: Aye.

Motion carried.

g. Consideration to Approve Authorizing the solicitor to Draft and Advertise Intermunicipal Agreement with Adamsburg Borough for Use of Their Municipal Shed for Salt Storage:

Mr. Davidson made a motion, seconded by Mr. Bossi, to approve authorizing the Solicitor to draft and advertise the agreement. Vote: 5-0. Motion carried.

h. Consideration to Approve 2008 Fall Recreation Staff as Listed on Attachment 'A' at the Rates Indicated:

Mr. Bossi made a motion, seconded by Mr. Davidson, to approve the Recreation staff as listed on Attachment "A". Vote: 5-0. Motion carried.

14. NEW BUSINESS - None

15. OLD BUSINESS

The Township Manager and Board of Supervisors wished Mr. Mlakar a Happy Birthday!

16. PROCLAMATIONS AND CERTIFICATES OF ACCOMPLISHMENT - None

17. SUPERVISORS' COMMENTS

Mr. Bossi stated that he had no comments at this time.

Mr. Mlakar mentioned that PennDOT (Ms. Slusser) is in the process of inventorying all signs located on State highways throughout the State of Pennsylvania. PennDOT wants to come to the Township and make a presentation to the Board as to what this program, which has been contracted out, is going to entail. The general terms of the sign ordinance have been forward to PennDOT for their review. State provisions do not permit any signs on State highways unless they are approved by the State. This program will remove every illegal signs.

Mr. Weimer invited everyone to attend the Hempfield Fall Festival on September 13th and 14th.

Mr. Ritson then asked the Supervisors to convene for an Executive Session.

18. ADJOURNMENT

Mr. Silvis announced that the meeting was adjourned at 8:55 p.m.

R. Douglas Weimer, Secretary

John Silvis, Chairman