

HEMPFIELD TOWNSHIP BOARD OF SUPERVISORS

MONTHLY MEETING

JULY 28, 2008

1. CALL TO ORDER AND PLEDGE TO THE FLAG:

The monthly meeting of the Hempfield Township Board of Supervisors held at the Hempfield Township Municipal Building was called to order at 7:20 PM by Chairman John Silvis.

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

Staff Present: Mr. Rob Ritson
Mr. Mike Volpe
Ms. Lorece Stanton
Mr. Dan Schmitt
Mrs. LuAnn Panigall

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

- a. **Mr. Eric Lutz, 5 Gratz Street**, addressed the Board concerning right-of-ways for public access regarding a paper alley behind Gratz Street and a neighbor who is parking vehicles in the alley and blocking access for Mr. Lutz and other neighbors. Mr. Mlakar indicated this is a deeded alley in the Township records; however, the Township would have no interest in the alley. Mr. Mlakar stated that all property owners whose properties abut the alley have the right to use the alley. Mr. Mlakar informed Mr. Lutz the Township would not be involved as it is not a Township road and suggested that Mr. Lutz contact an attorney in order to get the neighbor to cease blocking the alley as this would be a civil matter between neighbors.
- b. **Mr. Mark Williams, 9 Gratz Street**, informed the Board that he is here regarding the same issue as Mr. Lutz.

3. EXECUTIVE SESSION:

Mr. Silvis acknowledged that executive sessions were held this evening, July 28, 2008, prior to this meeting to discuss personnel issues and on July 23, 2008 to discuss legal issues.

4. SECRETARY'S REPORT:

Mr. Weimer made a motion, seconded by Mr. Davidson, to approve the Supervisors' monthly meeting minutes of May 26, 2008 and June 23, 2008. Vote: 5-Yes. Motion carried.

Mr. Weimer reported that twenty-five letters were received related to the concerns of residents on Craig Drive.

5. STAFF REPORTS:

- a. Public Works** – Mr. Volpe stated that he presented his report at the public work session and has nothing further to add.
- b. Engineer** – Mr. Schmitt noted that the pre-construction meeting scheduled for the Red Onion paving project has been cancelled and will be rescheduled. Also, the Walton Tea Room road boring work has been completed and will now be analyzed.

Mr. Bossi questioned Mr. Schmitt regarding a water problem on Hunter Road since it has been paved. Mr. Schmitt explained there have been water problems on Hunter Road for years. The Township has attempted to correct the problem by installing storm sewers; however, because of the underground mines, storm sewers have not been able to be installed in certain areas. In order to try and correct the water problems, when the road was repaved this year, the contractor was instructed to bevel the road so that the water would go into the storm sewers that were installed. Mr. Schmitt stated that last week during the rains, Mr. Bucchi, a resident of Hunter Road, had some problems with water ponding on his side of the street and encroaching on his property. Mr. Schmitt advised that he was on vacation last week but that he would go down and look at the problem the next time it rains.

- c. Solicitor** – Mr. Mlakar noted that as a follow-up to his report, a citation had been filed against Mr. Dale Lutterman for not obtaining a land disturbance permit. Mr. Lutterman was fined \$300 and given 30 days to file the completed application to obtain the land disturbance permit, and if that is not done the fine will become \$1,000 a day for each day of violation.

6. TREASURER'S REPORT:

Mr. Ritson stated the Treasurer's report is attached to the agenda. Mr. Ritson noted that the Township is 103% over budget in Licenses and Permits; however, the bulk of this overage is from cable franchise fees and Township permits remain where Mr. Ritson reported last month. The Township has started an audit to make sure businesses in the Township are in compliance with the Township's occupancy ordinance and also to make sure they are in compliance with the recycling ordinance. Mr. Ritson informed the Board bids were opened for salt and no bids were received, which means the Township will rebid the salt. Mr. Ritson reported that even if no bids are received, the Township is under the State contract for a certain amount of tonnage for salt. If that is not enough salt, then the Township would be able to shop around for the best price. Mr. Ritson also noted that bids were opened for on-site reclamation of millings and the only bidder was Heilman Paving at a price of \$28.66/ton. Mr. Ritson and Mr. Volpe are asking the Board to approve the contract on the per unit price as the scale of the project will have to be cut back. Mr. Ritson

informed the Board they will have a draft finance policy by the time the committee meets in August, which will include the investment recommendations and capital project list and anticipated funding streams for it for five years. Mr. Logan made a motion, seconded by Mr. Weimer, to approve the Treasurer's report. Vote: 5-Yes. Motion carried.

7. PAYMENT OF BILLS

Mr. Weimer made a motion, seconded by Mr. Davidson to approve payment of bills as follows: General Fund, \$467,810.15; Light District, \$6,911.26; and Recreation PLGIT Account, \$3,360.00. Vote: 5-Yes. Motion carried.

8. SCHEDULING OF HEARINGS: None

9. DECISIONS FOR HEARINGS: None

10. PLANNED RESIDENTIAL DEVELOPMENTS (PRD): None

11. SITE PLANS: None

12. SUBDIVISION PLANS:

- a. Consideration to Approve Resolution #2008-43, Which Grants Conditional approval to the Ester Bungard Plan (Plan #20080039) –** Mr. Logan made a motion, seconded by Mr. Bossi, to approve resolution #2008-43, which grants conditional approval to the Ester Bungardd Plan. Vote: 5-Yes. Motion carried.

- b. Consideration to Approve Resolution #2008-44, Which Grants Final Approval of Robert Ross Subdivision (Plan #20080022) Without Conditions –** Mr. Davidson made a motion, seconded by Mr. Logan, to approve Resolution #2008-44, which grants final approval of the Robert Ross subdivision plan. Vote: 5-Yes. Motion carried.

13. ACTION TO BE TAKEN:

- a. Consideration to Approve Ordinance #2008-4, Which Changes Parcels #50-16-16-0-026 and 50-16-16-0-025, Owned by Eastview Enterprises, from R-1B to B-3 Zoning –** Mr. Logan made a motion, seconded by Mr. Davidson, to deny approval of Ordinance #2008-4. Vote: 5-Yes. Motion carried.

- b. **Consideration to Approve Resolution #2008-45, Which Establishes 2009 Minimal Municipal Obligation (MMO) for Defined Benefit Pension Plan at \$329,969.00** – Mr. Davidson made a motion, seconded by Mr. Bossi, to approve Resolution #2008-45, which establishes the 2009 minimum municipal obligation for the defined benefit pension plan at \$329,969.00. Vote: 5-Yes. Motion carried.
- c. **Consideration to Approve Resolution #2008-46, Which Amends Mileage Reimbursement Rate to \$.585/Mile Effective July 1, 2008 to December 31, 2008, as Per IRS Announcement of 6/28/08** – Mr. Logan made a motion, seconded by Mr. Bossi, to approve Resolution #2008-46. Vote: 5-Yes. Motion carried.
- d. **Consideration to Approve Resolution #2008-47, Which is a Tentative Agreement with the Merion Court Homeowners Association to Take over Merion Court as a Public Road** – Mr. Mlakar explained this is a tentative agreement to take over Merion Court as a Township Road once the terms of the agreement are completed. The Township will then consider a resolution to adopt the road into the Township road system. Mr. Bossi made a motion, seconded by Mr. Davidson, to approve Resolution #2008-47. Vote: 5-Yes. Motion carried.
- e. **Consideration to Approve Resolution #2008-48, Which is a Confidentiality Agreement Between Mailing Specialists, Inc. and Hempfield Township** – Mr. Weimer made a motion, seconded by Mr. Logan, to approve Resolution #2008-48. Vote: 5-Yes. Motion carried.
- f. **Consideration to Approve Advertising of Ordinance Which Establishes Stop Sign at Intersection of West Point Drive and Ridgefield Drive** – Mr. Schmitt advised that he has reviewed the regulations for the placement of stop signs and it appears this intersection meets the criteria. Mr. Davidson made a motion, seconded by Mr. Bossi, to approve the advertising of an ordinance which establishes a stop sign at the intersection of West Point Drive and Ridgefield Drive. Vote: 5-Yes. Motion carried.
- g. **Consideration to Approve Waiving Fence Requirement as Required under Chapter 67 of Code of Hempfield for Life Church Stormwater Pond (Plan #2008-0005)** – Mr. Logan made a motion, seconded by Mr. Weimer, to approve waiving the fence requirement for the Life Church Stormwater Pond (Plan #2008-0005) as required under Chapter 67 of the Hempfield Township Code. Vote: 5-Yes. Motion carried.
- h. **Consideration to Approve Pay Estimate #1 in the Amount of \$876,879.46 with Tresco Paving for 2008 Hot Mix Program** – Mr. Davidson made a motion, seconded by Mr. Bossi, to approve pay estimate #1 in the amount of \$876,879.46 with Tresco Paving for the 2008 hot mix paving program. Vote: 5-Yes. Motion carried.
- i. **Consideration to Approve Agreement with D.L. Muellerleile Landscaping & Supplies, LLC for Property Grass Cutting of Foreclosed Properties at a rate of \$38.00/hr. Cost Recovery Will Be Through Municipal Property Lien** – Mr. Logan made a motion, seconded by Mr. Davidson, to approve an agreement with D.L. Muellerleile Landscaping & Supplies, LLC for property grass cutting of foreclosed properties at a rate of \$38/hour with cost recovery through a municipal property lien. Vote: 5-Yes. Motion carried.

j. Consideration to Approve 2008 On-Site Processing of Road Millings Bid. The Following Bids were Received and Opened on July 28, 2008:

1) Heilman Paving Specialists \$28.66/Ton

Mr. Bossi made a motion, seconded by Mr. Davidson to approve the 2008 on-site processing of road millings bid to Heilman Paving Specialists with a bid of \$28.66/Ton.. Vote: 5-Yes. Motion carried.

k. Consideration to Approve Hiring Rehcon Construction at a Cost Not to Exceed \$4,060.00 for Office Demolition and Ceiling Work – Mr. Davidson made a motion, seconded by Mr. Bossi, to hire Rehcon Construction at a cost not to exceed \$4,060.00 for office demolition and ceiling work. Vote: 5-Yes. Motion carried.

l. Consideration to Approve Participation in Westmoreland Cleanways 2008 Household Hazardous Waste Collection at a Cost of \$,4,200.00– Mr. Bossi made a motion, seconded by Mr. Weimer, to participate in Westmoreland Cleanways 2008 hazardous waste collection at a cost \$4,200.00. Vote: 5-Yes. Motion carried.

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

1) Brandon Johnston	Fort Allen VFD	Jr. Firefighter
2) Charles Moore	High Park VFD	Sr. Firefighter
3) Matthew Johnson	North Hempfield VFD	Sr. Firefighter

Mr. Weimer made a motion, seconded by Mr. Bossi, to approve the above-referenced emergency service applications pending successful completion of a physical examination. Vote: 5-Yes. Motion carried.

n. Consideration to Approve Resolution #2008-49, Which Amends the Hempfield Township Code of Conduct– Mr. Silvis recommended that the Board table this item for further review and take action at the next supervisors’ monthly meeting.

14. NEW BUSINESS:

a. Consideration to Approve 2008 Trick or Treat Date and Time – Mr. Logan made a motion, seconded by Mr. Weimer, to set Trick or Treat Night on Friday, October 31, 2008 from 6:00 PM-8:00 PM. Vote: 5-Yes. Motion carried.

b. Mr. Logan made a motion, seconded by Mr. Davidson, that the Board of Supervisors send a letter to the Westmoreland County Commissioners indicating the Township’s concern that there is no representation on the SPC of a Hempfield elected official, and request that when another appointment is made to the Commission that the Township be considered. Vote: 5-Yes. Motion carried.

c. Mr. Logan congratulated Hempfield resident, Gerald Eisaman, 109 Eisaman Road, for participating in and winning a silver medal in the shotput at the Transplant Games held in Pittsburgh in July and ask that the Township consider putting something in the newsletter.

- d. Mr. Weimer stated that in years past the Township has entertained quotes from companies to take care of traffic lights including replacing lights and maintenance of the devices. Mr. Weimer asked that since this hasn't been done for a number of years, the Township RFP this contractual work and seek sealed quotes. Mr. Weimer made a motion, seconded by Mr. Bossi, to authorize the staff to prepare and RFP for traffic lights. Vote: 5-Yes. Motion carried.

15. OLD BUSINESS: None

16. PROCLAMATIONS AND CERTIFICATES OF ACCOMPLISHMENT: None

17. SUPERVISORS' COMMENTS:

- a. Mr. Weimer stated that he has taken summer employment working in Senator Bob Regola's office, and he has found it to be a very informative and enlightening experience in respect with seeing a different level of interaction of state government with local government. Mr. Weimer feels that his experience will be an asset to the Board of Supervisors in the future.
- b. Mr. Davidson questioned the status of the sign ordinance. Mr. Ritson advised that staff will be entertaining some options regarding the sign ordinance. Mr. Mlakar requested an executive session with the Board following the meeting to discuss some legal matters.
- c. Mr. Silvis stated that he feels that it is an honor to Mr. Weimer and a compliment to the Board that we have access to State activities, as well as County activities, and as a result, the Township will be better informed.

18. ADJOURNMENT:

Mr. Davidson made a motion, seconded by Mr. Bossi, to adjourn the meeting. Vote: 5-Yes. Motion carried.

Mr. Silvis adjourned the meeting at 8:20 P.M.

Chairman

Secretary