

# HEMPFIELD TOWNSHIP BOARD OF SUPERVISORS

## MONTHLY MEETING

JUNE 23, 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 7:02 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. Al Platos, 509 New Haven Drive**, informed the Board that he lives approximately 100 feet from the new fire siren in West Point, and the sound from the siren is deafening. Mr. Platos contacted the manufacturer of the fire siren and the siren is 130 decibels. Mr. Platos contacted the Township regarding the siren, and he would like to know where the matter stands. Mr. Ritson advised that he informed the fire company to cease and desist using the siren, and there is a meeting scheduled with the fire department on Thursday, June 26<sup>th</sup> at 2:30 PM at the Municipal Building.
- b. **Mr. Rich Janesko, 511 New Haven Drive**, stated that he contacted the West Point Fire Department regarding the fire siren and has received little response from them, and the fire chief was very short with him when he did speak with him. Mr. Janesko stated that he feels that if public monies are used to purchase such items then the Township should be overseeing what is purchased.
- c. **Mr. Larry Leonard, 216 Craig Drive**, stated that he appreciates what the Board is doing in regards to the tree trimming business Art Martello is running from 209 Craig Drive. Mr. Leonard believes that Mr. Martello is now trying to intimidate some of the residents who have complained. Mr. Leonard reiterated the feelings of the residents on Craig Drive in regards to the fact that the property is zoned R-1 and there a number of trucks and cars coming to and from the property. Also, Mr. Martello is hauling in trees and then cutting them up on the property. Mr. Leonard also informed the Board that the storm drains on Craig Drive look like they are collapsing.

- d. **Mr. Maunee George, 145 Craig Drive**, explained that he is attending the meeting in support of his neighbors regarding the situation on Craig Drive. Mr. George questioned why Mr. Mlakar, in his letter to the residents on Craig Drive, suggested that the residents obtain an attorney. If the Township feels that he is running a business as it stated in the violation letter, then he doesn't understand why the residents should have to retain an attorney and that it should be the Township's responsibility. Mr. Mlakar advised that he will be representing the Township's interests and the Township zoning ordinance in regards to the violation the Township feels is occurring on the property at 209 Craig Drive. Mr. Mlakar noted that some residents do not feel the Township is doing enough for the residents, and also the residents may have additional concerns that may not fall under his defense of the Township Zoning Ordinance. Mr. Ritson stated it was suggested that the residents retain counsel so that their own interests would be represented.
- e. **Mr. Ron McCann, 185 Craig Drive**, commented that in his appeal, Mr. Martello stated he is not running a business from 209 Craig Drive. If that's so, what constitutes a business. Mr. Mlakar explained that when a municipality files an enforcement notice stating that they are violating an ordinance, the property owner then comes in and says that he isn't running a business. Mr. Mlakar stated that just because he says it doesn't make it so; therefore, the Township's burden of proof is to show that he is conducting a business, using the information the residents have provided to the Township, using the testimony of people seeing the vehicles come in, the cutting, etcetera. The Zoning Hearing Board then makes a determination based on the testimony they hear from the Township, the witnesses, and Mr. Martello's testimony, and they make a determination of whether or not it is a business.
- f. **Ms. Cheryl Marsh, 181 Craig Drive**, inquired that if the residents win and Mr. Martello appeals, then it goes to Common Pleas Court but what happens if Mr. Martello wins, do the residents take it to Common Pleas Court or would the Township. Mr. Mlakar stated that decision to appeal would be made later by the Board of Supervisors.
- g. **Mr. Stan Zyvith, 605 Thomas Richard Lane**, commented that on Crows Nest Road there are tree branches hanging low over the road and they need to be cut back. Mr. Zyvith also informed the Board that there is burning going on Sundays at 219 Prisani Street and another neighboring property, and he would like someone to enforce the burning ordinance.
- h. **Ms. Susan Scherff, 851 Linnor Drive**, explained that at the intersection of Arona Road and Harry Long Road there is a site distance problem because of weeds. Mr. Volpe and Mr. Ritson stated they would look into the weed problem to see whether it was in the state right-of-way or the Township's. Ms. Scherff also stated that where the new bridge was erected at the intersection of Arona Road and Wendel Road yellow lines were painted on the road but Ms. Scherff feels that white lines are needed to indicate where to stop at the stop signs because many people are stopping in the intersection itself. Mr. Ritson noted that those are both state roads; however, he will advise PennDot of the problem.
- i. **Mr. Manny Stoupas, 4124 Cambridge Drive**, spoke regarding the ongoing water problem on Cambridge Drive and the fact that the Township seems to be ignoring the problem. Mr. Stoupas feels that the Township should do whatever it takes to correct the problem which is coming from the houses above the Cambridge Drive residents.
- j. **Mr. Wayne Sullivan, 4100 Cambridge Drive**, stated that the Township was to look into the possibility of getting grant money to do the work and also that a study was going to be done. Mr. Sullivan would like to know if the Township has done anything in regards to the problem. Mr. Ritson stated that the Township has looked at the problem and will address it after everyone has made their comments. Mr.

Schmitt stated the area probably would not qualify for CDBG monies, as the income levels in the Greenridge area are probably too high, as the program is designed for lower income areas.

- k. Mr. Rudy Ferrara, 4108 Cambridge Drive**, also commented on the water problems on Cambridge Drive, and that his neighbors' roof drains onto his driveway and then comes down onto Mr. Ferrara's property. There is also water that just pours down off of the hill. Mr. Mlakar explained that he looked at the Greenridge #7 plan and there is a 15-foot easement through the rear of lots on Cambridge Drive but it is reserved for public utilities, not a storm water easement. Mr. Mlakar advised the Board the Township has no obligation to property owners who are being affected by discharges from other property owners, and that it is a matter between the property owners. Mr. Mlakar noted that the Township always has a right to go in and do projects after getting property easements; however, if the Board chooses to do something on Cambridge Drive, then the Board will probably receive numerous other requests from other areas, and those areas would have to be treated the same as Cambridge Drive. Mr. Logan questioned if the residents themselves ran a pipe through the easement and then to the street if the Township could connect it into the existing storm drains. Mr. Ritson explained that it has been the Township's practice that if a resident would run a pipe to the street the Township would then connect the pipe into the existing storm drain, if there was one. Mr. Ritson recommended the Board have an opportunity to review in detail the engineer's findings on the matter and discuss what the alternatives are and then set up a meeting with the residents to discuss the matter.

### **3. EXECUTIVE SESSION: None**

### **4. SECRETARY'S REPORT:**

Mr. Bossi made a motion, seconded by Mr. Logan, to approve the minutes of the Ridgeview Estates Zone Change hearing held on May 30, 2008. Vote: 5-Yes. Motion carried.

Mr. Weimer entered into the record forty-one letters the Township has received on the Craig Drive issue.

### **5. STAFF REPORTS:**

- a. Solicitor** – Mr. Mlakar stated that he has nothing additional to add to his report from the work session.
- b. Engineer** – Mr. Schmitt indicated that he had nothing to add to his report.

Mr. Weimer inquired if there was a weight limit on Craig Drive. Mr. Schmitt stated that he does not believe that it has a weight limit. Mr. Mlakar advised that an engineering study would need to be done before a weight limit is posted. Also, a person could always get a road permit and bond the road to haul over it.

- c. Public Works** – Mr. Volpe indicated that he had nothing further to add to his report. Mr. Volpe noted that the 2008 paving project began today with the contractor beginning to mill the roads.

## **6. TREASURER'S REPORT:**

Mr. Ritson informed the Board that he received the contract for the RCAP grant today, and has a meeting scheduled with the state's consultant on Monday.

Mr. Ritson reported that he has prepared a six-month comparison between 2007 and 2008 permits issued to date, and the comparison shows that the Township is roughly 11.34% behind last year's numbers in permits. New house permits are down 58% and new commercial permit are down 75%. However, new commercial permits should be increasing probably later in the year due to the Lincoln Place development.

Mr. Logan made a motion, seconded by Mr. Davidson, 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:**

- a. **Consideration to Approve Resolution #2008-37, Which Denies the Site Plan of THF Realty, Known as Greengate Center Out-Lot 15 (Plan #20080021)** – Mr. Logan made a motion, seconded by Mr. Bossi, to approve Resolution #2008-37, which denies the THF Realty Site Plan. Vote: 5-Yes. Motion carried.
- b. **Consideration to Approve Resolution #2008-38, Which Grants Final Conditional Approval to the Express Storage Site Plan (Made for Revest Properties) (#20080011)** – Mr. Davidson made a motion, seconded by Mr. Bossi, to approve Resolution #2008-38, which grants final conditional approval to the Express Storage site plan. Vote: 5-Yes. Motion carried.
- c. **Consideration to Approve Resolution #2008-39, Which Grants Final Conditional Approval to the Life Church of God Site Plan (#20080005)** – Mr. Davidson made a motion, seconded by Mr. Bossi, to approve Resolution #2008-39, which grants final conditional approve to the Life Church of God site plan. Vote: 5-Yes. Motion carried.

**12. SUBDIVISION PLANS: None**

**13. ACTION TO BE TAKEN:**

- a. Consideration to Approve Resolution #2008-40, Exempts Property at Tax Map #50-19-01-0-004 from All Property Tax Due on or Before August 14, 2007 through the Disabled Veterans Real Property Tax Certification** – Mr. Bossi made a motion, seconded by Mr. Logan, to approve Resolution #2008-40. Vote: 5-Yes. Motion carried.
- b. Consideration to Approve Resolution #2008-41, Which Approves an Execution of a Release of Property Damage Claims Between Hempfield Township and Knight Refrigerated, Inc.** – Mr. Mlakar explained this is in regard to damages to the traffic light at Woodward Drive by Knight Refrigerated, Inc., who have agreed to pay the \$8,100 in damages. Mr. Davidson made a motion, seconded by Mr. Bossi, to approve Resolution #2008-41. Vote: 5-Yes. Motion carried.
- c. Consideration to Approve Resolution #2008-42, Which Adopts the Sewage Facilities Planning Module Application Mailer for the Sonic Drive-in Restaurant Proposed by NCH Hospitality, LLC (Tax Map #50-14-00-0-081)** – Mr. Bossi made a motion, seconded by Mr. Davidson, to approve Resolution #2008-42. Vote: 5-Yes. Motion carried.
- d. Consideration to Approve Authorization of Advertisement for Bids on Recycled Asphalt Program** – Mr. Logan made a motion, seconded by Mr. Bossi, to authorize the advertisement of bids on the recycled asphalt program. Vote: 5-Yes. Motion carried.
- e. Consideration to Approve Purchase of a Steel Dump Bed from J & L Truck Bodies at a Cost of \$5,600.00** – Mr. Bossi made a motion, seconded by Mr. Davidson, to approve the purchase of a steel dump bed from J & L Truck Bodies at a cost of \$5,600. Vote: 5-Yes. Motion carried.
- f. Consideration to Approve Purchase of Office Walls & Installation with Mt. Lebanon Office Equipment (COStars # 2008-2-156) in the Amount of \$16,999.00** – Mr. Davidson made a motion, seconded by Mr. Bossi, to approve the purchase of office walls and installation with Mt. Lebanon Office Equipment in the amount of \$16,999.00. Vote: 5-Yes. Motion carried.
- g. Consideration to Approve Change Order #1 in the Amount of \$5,450.00 and Pay Estimate #2 (Final) in the Amount of \$10,184.50 with Danmar Contracting for Bovard Storm Inlet Rehabilitation** – Mr. Davidson made a motion, seconded by Mr. Logan, to approve Change Order #1 in the amount of \$5,450.00 and Pay Estimate #2 in the amount of \$10,184.50 with Danmar Contracting for the Bovard storm inlet rehabilitation project. Vote: 5-Yes. Motion carried.
- h. Consideration to Approve Awarding Bid for Red Onion CDBG Paving Project. The Following Bids Were Received and Opened on June 23, 2008:**

1) Morgen Excavating	\$ 83,510.60
2) Tresco Paving Corp.	89,470.00
3) El Grande Industries	100,297.00
4) Derry Construction	110,598.50

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|---------------------------------|------------|
| 5) Donegal Construction         | 114,241.30 |
| 6) Peter J. Caruso Construction | 115,536.00 |

Mr. Weimer made a motion, seconded by Mr. Davidson to award the bid for the Red Onion CDBG Project to Morgen Excavating with a bid of \$83,510.60. Vote: 5-Yes. Motion carried.

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

- |                       |                |                 |
|-----------------------|----------------|-----------------|
| 1) Travis Dominick    | Hannastown VFD | Jr. Firefighter |
| 2) Cassandra Salandro | Luxor VFD      | Jr. Firefighter |

Mr. Davidson 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.

**j. Consideration to Approve 2008 Summer Recreation Staff Additions as Listed on Attachment ‘A’ –**  
Mr. Logan made a motion, seconded by Mr. Davidson to approve the 2008 recreation staff additions as listed on Attachment “A”. Vote: 5-Yes. Motion carried.

***14. NEW BUSINESS:***

- a.** Mr. Ritson stated he has received a request from the Life Church of God to have the stormwater retention regulation requiring a fence around the pond to be waived. The stormwater retention pond will be located along Route 130; however the pond is proposed to be more spread out and shallower than normal stormwater retention pond. The Board requested more data before considering the request. Mr. Ritson indicated that he will have the data request for the July meeting.

***15. OLD BUSINESS: None***

***16. PROCLAMATIONS AND CERTIFICATES OF ACCOMPLISHMENT:***

- a. Cool Valley Recreation Field Rededication** – Mr. Silvis, Mr. Weimer, and Mr. Logan attended the rededication of the Cool Valley Recreation Association’s ballfields on June 20th. Mr. Silvis stated the proclamation recognizes the efforts of the Cool Valley Recreation Association in providing quality recreation facilities for Cool Valley residents and Hempfield Township.

***17. SUPERVISORS' COMMENTS:***

Mr. Davidson inquired if there have been any dates set for a meeting with Mr. Berk. Mr. Mlakar advised that Mr. Berk called while he was out of town last week, and that he will contact Mr. Berk tomorrow.

Mr. Bossi thanked everyone for attending the meeting this evening.

***18. ADJOURNMENT:***

**Mr. Silvis adjourned the meeting at 8:52 P.M.**

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**Chairman**

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**Secretary**