

HEMPFIELD TOWNSHIP BOARD OF SUPERVISORS

MONTHLY MEETING

NOVEMBER 24, 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 7:03 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. Lt. Gary Schuler, Pa. State Police Troop A in Greensburg, presented information regarding incidents in the Township from January 1 to November 9, 2008. Lt. Schuler reported the State Police responded to 8,264 calls, which included 786 automobile accidents with 6 fatalities. Lt. Schuler indicated that the State Police assign a minimum of four one-man patrols to the Township both daylight and afternoon shifts. On the midnight shift the State Police have four two-man patrols and three of the patrols have some portion of the Township. Lt. Schuler advised the Board that the average response time is fifteen minutes. Mr. Davidson inquired if it was possible to have crime statistics broken down for the Township. Lt. Schuler stated that he could get that information but it would take time.
- b. Mrs. Susan Scherff, 851 Linmor Drive, informed the Board she has prepared a preliminary proposal for a new trail for the western part of Hempfield Township. Mrs. Scherff indicated the trail would run from near the Arona playground to an area near the intersection of the Route 136 and the Amos K. Hutchinson Bypass and would follow along the abandoned railroad line adjacent to Route 136. Mrs. Scherff hopes that as the Hempfield Township Municipal Authority will be extending sewer lines along the abandoned rail line, the Township would be able to work with HTMA as well as the property owners in the area to obtain the necessary right-of-ways in order to develop a public walking/biking trail in the West Hempfield area of the Township.

- c. Mr. Greg Saunders, Bovard Fire Chief, stated that all the fire chiefs received a letter from the Township regarding burning complaints. At the October fire chiefs' meeting, the chiefs were told that the Ordinance Department would handle complaints on the next business day. Mr. Saunders questioned whether fire chiefs have the authority to enter someone's property to extinguish a fire that is not endangering life or property, and if the fire departments do extinguish a fire, and a person takes them to court will the Township provide legal backing and will the chiefs be compensated for lost wages while attending court proceedings. Mr. Saunders requested that the chiefs be provided with full information as to their powers in these situations and an explanation as to what is legal and what parts of the fire inspector's job the fire chiefs are now asked to do.
- d. Mr. Stan Zyvith, 605 Thomas Richard Lane, congratulated Mr. Ritson on his appointment. Mr. Zyvith regarding the emergency management director's position filled by Mr. Roddy. Mr. Dan Stevens, from Westmoreland County 911, has incident command books to be passed out; however, they are passed out through the Emergency Management Director, who was Mr. Roddy.
- e. Mr. Al Platos, 509 New Haven Drive, inquired as to what has transpired since the last Supervisors' meeting in regards to the West Point V.F.D. siren issue. Mr. Platos informed the Board that three days after the Board discussed what action was to be taken to resolve the issue with the West Point VFD siren, the siren is now positioned directly at his property and it no longer turns; it is stationary and he and the other residents would appreciate if the Board would get the residents some relief by talking to the firemen again.

3. EXECUTIVE SESSION:

Mr. Silvis acknowledged that executive sessions were held November 12, 2008 and on November 19, 2008 to discuss legal and personnel issues.

4. SECRETARY'S REPORT:

Mr. Weimer indicated that a letter has been provided to the Board from Mr. Ted Webb regarding concerns about outdoor furnaces. Mr. Weimer also stated that he has received letters of resignation from Mrs. Janice Schulte from the Zoning Hearing Board and Mr. Robert T. Regola from the Hempfield Township Municipal Authority.

Mr. Weimer made a motion, seconded by Mr. Bossi, to approve the Supervisors' monthly meeting minutes for October 27, 2008. Vote: 5-Yes. Motion carried.

5. STAFF REPORTS:

- a. Engineer – Mr. Schmitt stated he presented his report at the workshop meeting and has nothing further to add other than what is on the agenda this evening. Mr. Bossi inquired about the obtaining of rights-of-ways for the project proposed by Mrs. Scherff. Mr. Mlakar advised the Sewage Authority can only obtain an easement for the installation of a sanitary sewer line. Mr. Mlakar further advised that there is ongoing litigation in certain areas of the state on property rights with respect to people who live along the

railroad. Mr. Mlakar stated the problem is that there were three methods the railroads obtained right-of-ways—by deed in fee, which means the railroad owned it; by deed easement, which means the property owner owns it subject to the easement of the right-of-way as long as the rails were in; and by a contingent grant, which means as long as the railroad was being operated and the rails were in it remained in the ownership of the railroad, but once the rails were removed ownership reverted to the property owner. Mr. Mlakar stated that along a stretch of railway all three types of easements can be found, depending on the property. Mr. Mlakar indicated the courts are attempting to clear this matter up and are in the process of finalizing the litigation, but there have been property owners who have sued to stop the Rails to Trails program because they contend they own that property and Rails to Trails are trespassing on it.

- b. **Public Works**— Mr. Volpe presented his report at the public workshop session and has nothing further to add. Mr. Bossi inquired as to the Swede Hill Park building work and when it will be finished. Mr. Volpe indicated that all work should be completed in approximately two weeks.
- c. **Solicitor** – Mr. Mlakar provided his report at the public workshop session. Mr. Mlakar noted the Board approved a tentative settlement with West Point V.F.D. and the agreement was sent to West Point VFD. Mr. Mlakar received in return a revised agreement that was not acceptable to the Board, and a letter was sent to the West Point VFD’s attorney indicating that there was an agreement and the understanding of the agreement and the fire department has until December 1, 2008 to respond that they will sign it. If there is no response by December 1, 2008 then the Board would have to take whatever action they deem appropriate. Mr. Mlakar advised that all discussion on this matter in the future should be done publicly.

Mr. Mlakar indicated that he would address Mr. Saunders’ comments in a written opinion for the next meeting.

- d. **Manager** – Mr. Ritson informed the Board that there is a meeting scheduled on December 8, 2008 at 9:00 AM at the 911 center with Westmoreland County 911 and public safety director Rich Matason to discuss issues related to the information that the fire sub-committee is working on getting in regard to the Township readouts as well as other information. Mr. Ritson noted that they will also discuss the Township’s emergency management situation. Mr. Ritson stated that Dave Roddy is still the emergency management director until the Board chooses to replace him. Mr. Ritson recommended that they meet with Rich Matason so they can talk about Hempfield, in general, and then make a recommendation at the end of December on how the matter should proceed.

6. *TREASURER’S REPORT:*

Mr. Ritson reported that real estate taxes are trailing budget projects by less than \$100,000 and the taxes continue to come in slowly. Earned income taxes should meet budget and business privilege taxes have come in better than expected. The local services tax is not meeting what was originally thought; however, the 2008 budgeted amount was a guess based on data provided by Central Tax Bureau, but it was based on a lot of assumptions because of this being the first year of the legislation requiring \$1 per week withholding and the exemptions allowed. Mr. Ritson pointed out that in order to meet the budget guidelines the Board set for itself, expenditures minus the public transit, the Township is trailing the budget in spending money with the biggest savings being under Highways. 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. Logan, to approve payment of bills as follows:
General Fund, \$364,845.37; Light District Fund, \$6,923.18; and Recreation PLGIT Account, \$1,435.50.
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 #2008-77, Which Grants Final Approval to the New Stanton Assembly of God Site Plan (#20080016) – Mr. Davidson made a motion, seconded by Mr. Bossi, to approve Resolution #2008-77, which grants final approval to the New Stanton Assembly of God site plan. Vote: 5-Yes. Motion carried.
- b. Consideration to Approve Resolution #2008-78, Which Grants Final Approval to the Gavco Materials, Inc. Site Plan (#20080013) – Mr. Davidson made a motion, seconded by Mr. Logan, to approve Resolution #2008-78, which grants final approval to the Gavco Materials, Inc. site plan. Vote: 5-Yes. Motion carried.
- c. Consideration to Approve Resolution #2008-79, Which Rescinds the Approval of the Commonwealth Renewable Energy Site Plan (#20070016) – Mr. Davidson made a motion, seconded by Mr. Logan, to approve Resolution #2008-79, which rescinds approval of the Commonwealth Renewable Energy site plan. Vote: 5-Yes. Motion carried.

12. SUBDIVISION PLANS:

- a. Consideration to Approve Resolution #2008-80, Which Grants Final Approval to the George and Terri Reese Subdivision Plan (#20080060) – Mr. Bossi made a motion, seconded by Mr. Davidson, to approve Resolution #2008-80, which grants final approval to the George & Terri Reese subdivision plan. Vote: 5-Yes. Motion carried.

13. ACTION TO BE TAKEN:

- a. Consideration to Approve Resolution #2008-81, Which Reduces the Letter of Credit for Lincoln Place Site Plan – Mr. Davidson made a motion, seconded by Mr. Logan, to approve Resolution #2008-81, which reduces the letter of credit for the Lincoln Place site plan. Vote: 5-Yes. Motion carried.

- b. Consideration to Approve Resolution #2008-82, Which Grants One Year Extension for Part 1 of Agreement (Preliminary Design) with Gibson-Thomas Engineering for T-398, Old Route 30 Bridge Replacement – Mr. Bossi made a motion, seconded by Mr. Logan, to approve Resolution #2008-82, which grants a one-year extension for Part 1 of agreement (preliminary design) with Gibson-Thomas Engineering for T-398 (Old Route 30) bridge replacement. Vote: 5-Yes. Motion carried.
- c. Consideration to Approve Resolution #2008-83, Which Releases Long-Term Maintenance Financial Security on Certain Private Stormwater Facilities – Mr. Bossi made a motion, seconded by Mr. Davidson, to approve Resolution #2008-83, which releases long-term maintenance financial security on certain private stormwater facilities. Vote: 5-Yes. Motion carried.
- d. Consideration to Approve Resolution #2008-84, Which Adopts Tartan Drive in the Meadowlane Farm Estates-Phase 1 Plan of Lots into the Township Road System
- e. Consideration to Approve Resolution #2008-85, Which Adopts Tartan Drive in the Meadowlane Farm Estates-Phase 2 Plan of Lots into the Township Road System
- f. Consideration to Approve Resolution #2008-86, Which Adopts Gaelic Drive in the Meadowlane Farm Estates-Phase 2 Plan of Lots into the Township Road System
- g. Consideration to Approve Resolution #2008-87, Which Adopts Brodie Drive in the Meadowlane Farm Estates-Phase 2 Plan of Lots into the Township Road System
- h. Consideration to Approve Resolution #2008-88, Which Adopts Braveheart Drive in the Meadowlane Farm Estates-Phase 2 Plan of Lots into the Township Road System

Mr. Davidson made a motion, seconded by Mr. Bossi, to approve the following: Resolution #2008-84, which adopts Tartan Drive in the Meadowlane Farm Estates Phase I plan of lots into the Township road system; Resolution #2008-85, which adopts Tartan Drive in the Meadowlane Farm Estates Phase II plan of lots into the Township road system; Resolution #2008-86, which adopts Gaelic Drive in the Meadowlane Farm Estates Phase II plan of lots into the Township road system; Resolution #2008-87, which adopts Brodie Drive in the Meadowlane Farm Estates Phase II plan of lots into the Township road system; and Resolution #2008-88, which adopts Braveheart Drive in the Meadowlane Farm Estates Phase II plan of lots into the Township road system. Vote: 5-Yes. Motion carried.

- i. Consideration to Approve Resolution #2008-89, Which Adopts Merion Court in the Fairway Townhomes at Cherry Creek Plan of Lots, into the Township Road System – Mr. Bossi made a motion, seconded by Mr. Davidson, to approve Resolution #2008-89, which adopts Merion Court in the Fairway Townhomes at Cherry Creek plan of lots into the Township road system. Vote: 5-Yes. Motion carried.
- j. Consideration to Authorize Solicitor to Prepare Options for Creation of Post Retirement Benefit Trust – Mr. Logan made a motion, seconded by Mr. Bossi, to authorize the Solicitor to prepare options for the creation of a post-retirement benefit trust. Vote: 5-Yes. Motion carried.
- k. Consideration to Authorize Township Engineer to Begin D.E.P. Permitting Process for Cambridge Drive, Fort Allen Watershed and West Point Stormwater Planning – Mr. Bossi made a motion, seconded by Mr. Davidson, to authorize the Township Engineer to begin the DEP permitting process for Cambridge Drive, Fort Allen watershed, and West Point stormwater planning. Vote: 5-Yes. Motion carried.

l. Consideration to Approve Pay Estimate #3 with RJMC, Inc. in the Amount of \$1,000.00 for Parking Lot Lighting Contract #6/2007 – Mr. Bossi made a motion, seconded by Mr. Davidson, to approve Pay Estimate #3 in the amount of \$1,000.00 to RJMC, Inc. for parking lot lighting contract #6/2007. Vote: 5-Yes. Motion carried.

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

| | | |
|-------------------|------------------|-----------------|
| 1) David Noonan | High Park VFD | Transfer |
| 2) Robert Watkins | Grapeville VFD | Transfer |
| 3) Justin McGree | Hempfield #2 VFD | Sr. Firefighter |
| 4) Kimberly Smith | Luxor VFD | Jr. Firefighter |
| 5) Rebecca Smith | Luxor VFD | Jr. Firefighter |

Mr. Logan 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 2009 Winter Recreation Staff as **Listed on Attachment ‘A’ at the Rates Indicated** – Mr. Weimer made a motion, seconded by Mr. Bossi, to approve the 2009 winter recreation staff as listed on Attachment “A” at the rates indicated. Vote: 5-Yes. Motion carried.

o. Consideration to Approve Appointment of Member to Township Zoning Hearing Board to Fill the Unexpired Term of Janice Schulte, Ending December 31, 2012 – Mr. Weimer made a motion, seconded by Mr. Bossi, to table this item. Vote: 5-Yes. Motion carried.

p. Consideration to Approve Appointment of Member to Township Municipal Authority to Fill the Unexpired Term of Robert T. Regola, Ending December 31, 2009 – Mr. Davidson made a motion, seconded by Mr. Logan, to appoint Renee Rothwell to the Hempfield Township Municipal Authority to fill the unexpired term of Robert T. Regola, ending December 31, 2009. Mr. Weimer stated he feels that Mr. Davidson’s motion is a conflict of interest. Mr. Davidson responded that another member of the Board recommended that Ms. Rothwell appointed and Mr. Davidson just made the motion. Vote: 4-Yes. 1-No—Mr. Weimer. Motion carried.

q. Consideration to Approve Appointment of Act 511 Tax Collector for 2009 -- Mr. Logan made a motion, seconded by Mr. Davidson, to appoint Keystone Municipal Collections as the Township’s Act 511 tax collector to a 3-year contract effective January 1, 2009 through December 31, 2011. Mr. Logan stated the Keystone Municipal Collections proposal includes an EIT collection rate of 1.3% for the first year and 1.4% for the remaining two years and guarantees that if first year’s collection levels do not meet the 2008 levels the 1.3% rate would be reduced to 1%. Also, current and delinquent business privilege taxes will be 2% for all years, and the current local services tax will be at 2% for all years; and any delinquent earned income and local services tax will be at 0%. Vote: 5-Yes. Motion carried.

r. Consideration to Approve Amendment to Employment Contract with Rob Ritson, Terminating Full-Time Employment Effective November 30, 2008 and Establishing a Part-Time Agreement from December 1, 2008 through December 31, 2008 at a Total Compensation of \$2,500.00 – Mr. Weimer made a motion, seconded by Mr. Bossi, to approve an amendment to the employment contract with Rob Ritson terminating full-time employment effective November 30, 2008 and establishing a part-time agreement from December 1, 2008 through December 31, 2008 at a total compensation of

\$2,500.00 and also terminating Mr. Ritson's position as Township Treasurer effective November 30, 2008. Vote: 5-Yes. Motion carried.

- s. Consideration to Approve a Tentative Budget for 2009 Maintaining Property Tax Millage at 3 mills and Establishing 2009 Light District Rates. Projected 2009 Expenses \$10,301,640.00 and Revenues \$11,389,761.00 – Mr. Bossi made a motion, seconded by Mr. Logan, to approve a tentative budget for 2009 maintaining property tax millage at 3 mills and establishing 2009 light district rates. Vote: 5-Yes. Motion carried.

14. NEW BUSINESS:

- a. Consideration to Appoint **Township Treasurer from December 1, 2008 until the Supervisors' Reorganization Meeting on January 5, 2009** – Mr. Davidson made a motion, seconded by Mr. Bossi, to appoint Mr. Tom Logan as Township Treasurer from December 1, 2008 until the Supervisors' reorganization meeting on January 5, 2009. Vote: 5-Yes. Motion carried.
- b. Mr. Weimer stated that when a revised code of conduct was adopted for Board members, Mr. Weimer took it upon himself to create a Hempfield Township municipal employee code of conduct similar to one that the Board themselves adopted. Mr. Weimer presented his draft copy to the Board and asked that the Board consider discussing his proposal. Mr. Silvis stated that Board would take it under advisement.

15. OLD BUSINESS:

- a. McCune Decision – Mr. Mlakar advised the Board that he presented a motion to the judge for reconsideration of the judge's decision. The judge reviewed the previous Township ordinances and Mr. Mlakar received an order from the judge that, even in taking into consideration the older ordinances, his decision would not change. Mr. Mlakar informed the Board that they have thirty days to file an appeal; however, Mr. Mlakar recommended that the Board not appeal the McCune decision. Mr. Bossi made a motion, seconded by Mr. Davidson, not to appeal the McCune decision. Vote: 5-Yes. Motion carried.

16. PROCLAMATIONS AND CERTIFICATES OF ACCOMPLISHMENT: None

17. SUPERVISORS' COMMENTS:

- a. Mr. Logan thanked the Board for their confidence in him, and he will try to live up to the Board's expectations.
- b. Mr. Weimer appreciates Mr. Logan stepping forward and taking on the position of Treasurer. Mr. Weimer also stated that he feels that he is entitled to his opinion and concerns during consideration actions and would ask the respect of other Board members.
- c. Mr. Bossi publicly thanked Mr. Ritson for all the help he has provided Mr. Bossi with since he came on the Board, and appreciates everything Mr. Ritson has done.

- d. Mr. Davidson also expressed his appreciation of Mr. Ritson and is sorry to see Mr. Ritson go.
- e. Mr. Ritson said it would be more appropriate for him to thank both current and past Boards as you have allowed him to make the position a professional and successful one and will enable the Board to get qualified applicants to replace him. The Board has also put in place people who made his job easier. Mr. Ritson stated that he will miss working with all the people in the building as well as with the members of the Board on a daily basis. Mr. Ritson thanked the Board for their leadership, support, and their friendship and wished the Board the best.
- f. Mr. Weimer thanked Mr. Ritson and appreciated the hard work Mr. Ritson has done for the Board in the past seven years.
- g. Mr. Silvis thanked Mr. Ritson for being gracious enough to help the Board in December to help the Board through the transition, and, hopefully, the Board will get someone as good as Mr. Ritson has been for the past six years.

18. ADJOURNMENT:

Mr. Silvis adjourned the meeting at 8:13 P.M.

Chairman

Secretary