

- f. Dom Surace – Mr. Dom Surace of 4049 Blue Willow Street (formerly known as 143 Penn Manor Road) inquired as to the status of the Kistler variance hearing. He noted that the Kistler property is located across the street from his property. Mr. Surace said that the Kistler’s put an addition on their property without the appropriate permit and also encroached on the right-of-way. He said that the hearing was conducted in May 2008 and was to reconvene in ninety (90) days, which would have been the end of July. Mr. Surace advised the Board of Supervisors that Mr. Kistler is telling him that “it was taken care of”. Mr. Mlakar advised Mr. Surace that he would address the matter of the Kistler variance later on in the meeting.

3. EXECUTIVE SESSION:

Executive session conducted from 7:03 p.m. to 7:25 p.m.

Mr. Silvis acknowledged an executive session conducted on October 22, 2008 and also this evening’s session.

Upon return from the executive session two (2) additional items were added to the agenda as follows:

- t. Consideration to Accept Settlement Agreement with the West Point Volunteer Fire Department for the Current Fire Siren;
- u. Consideration for the Clarification of Letters Sent by Solicitor to Campaign Committee with **Allegation that Supervisors’ Raised Taxes on Average of Seventy (70) Percent a Year;**

Mr. Mlakar noted that he, along with Supervisors Bob Davidson and John Bossi, met with representatives of the West Point Volunteer Fire Department, and their attorney, with respect to resolving the issue of their siren that is presently located at the West Point Volunteer Fire Department. He explained that a settlement was reached whereas the Township will retain \$5,000 out of the \$15,000 allotted to the West Point Volunteer Fire Department to purchase a Model II (90 decibel to 102 decibel) siren from Federal Warning Systems to replace the existing siren. Furthermore, Mr. Mlakar said that the Township will absorb the cost of the installation and relocation of the new traditional siren. In addition, he advised that the remaining \$10,000 will be released to the West Point Volunteer Fire Department. Mr. Bossi, Mr. Davidson, and Mr. Mlakar recommended that the Board of Supervisors accept the settlement because it is a reasonable compromise balancing the complaints of the abutting property owners with the existing siren against the health and welfare of the citizens of the West Point area.

4. APPROVAL OF MINUTES

Mr. Weimer made a motion, seconded by Mr. Davidson, to approve the September 22nd, 2008, Supervisors’ Monthly Meeting minutes as presented. Vote: 5-0. Motion carried.

5. STAFF REPORTS – (Written reports distributed prior to the meeting, except where additional comments are noted.)

- a. Township Engineer – Mr. Schmitt noted to the Board of Supervisors that a copy of his report was provided at the public work session. In addition, however, he advised the Board of Supervisors that the following items on the agenda will be removed because the pay estimate and the change order were not signed:

- l. Consideration to Approve Payment Estimate #1 in the Amount of \$57,987.65 from Morgan Excavating for 2008 Red Onion CDBG Hot Mix project;
 - m. Consideration to Approve Change Order #1 in the Amount of (-\$27,734.02) from Morgan Excavating for 2008 Red Onion CDbG Hot Mix project;
- b. Director of Public Works – Mr. Volpe noted to the Board of Supervisors that a copy of his report was provided at the public work session.
 - c. Director of Parks and Recreation – Mr. Minerva noted to the Board of Supervisors that a copy of his report was provided at the public work session.
 - d. Township Manager – Mr. Ritson deferred to the solicitor’s report.
 - e. Township Solicitor – Mr. Mlakar commented on the following:
 - i. Outdoor Furnaces – Mr. Mlakar advised the Board of Supervisors that he previously provided them with articles that were in the Pennsylvania Township News about outdoor furnaces and wood burners for their review and consideration. He noted that there are various municipalities that have adopted such an ordinance, those that have considered and withdrew, and those that have adopted an ordinance and subsequently rescinded the ordinance. Lastly, he said that the Township does not have any air quality ordinance. However, he noted that the Department of Environmental Protection does regulate air quality, which could investigate such concerns and pursue the appropriate actions, if necessary.
 - ii. Kistler Variance Hearing Regarding Enforcement Notice – Mr. Mlakar advised the Board of Supervisors that the Kistler’s requested a continuation in order for them to provide additional information to the Zoning Hearing Board including a survey, title issues, etc. He said the hearing will be rescheduled. Mr. Mlakar said he understands that the buildings that were constructed cannot be used for any commercial purposes because that violates the Uniform Construction Code. He said that the only use that the property could be put to is storage for personal property and not business property. Lastly, he advised that the location of the right-of-way has to be resolved.
 - iii. Merion Court Agreement – Mr. Mlakar advised that the Board of Supervisors approved a tentative agreement with Merion Court wherein adopting it as a Township road. Merion Court is being brought into compliance with the Township road specifications.

6. **TREASURER’S REPORT:**

Mr. Ritson reviewed the Treasurer’s Report with the Board of Supervisors. He proudly announced that after putting the freeze on expenses that the current total expenditures are 82.3% of what was actually budgeted; therefore, the Township is expected to fall at least 8.5 percent under 10 million dollars at a number roughly around 9.3 million dollars in projected expenses. Also, he noted that the revenues projected for this year came in 3.4 percent less than expected. Mr. Ritson explained that in the figures previously presented to the Board, it was believed that the carryover from last year was 1.4 million dollars, when in actuality it was 1.8 million dollars. Therefore, the projected cash carryover for 2009 will most likely exceed \$813,000.00. Mr. Logan made a motion, seconded by Mr. Davidson, to approve the Treasurer’s Report, as presented. Vote: 5-0. Motion carried.

7. PAYMENT OF BILLS

Mr. Weimer made a motion, seconded by Mr. Logan, to approve the following bills for payment as presented: (a) General Fund -- \$1,385,164.67; (b) Light District -- \$6,919.28; (c) Recreation PLGIT Account -- \$2,283.70; (d) Third Party VFD -- \$12.00; and (d) Fire Escrow Account -- \$75,900.00. 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 # 2008-63, Which Grants Final Approval to the Word of Life Ministries Site Plan (#20080046) – Mr. Bossi made a motion, seconded by Mr. Davidson, to grant final approval of the Word of Life Ministries Site Plan (#20080046). Vote: 5-Yes. Motion carried.

12. SUBDIVISION PLANS:

- a. Consideration to Approve Resolution # 2008-64, Which Grants Final Conditional Approval for Goodman Subdivision Plan (#20080042) – Mr. Davidson made a motion, seconded by Mr. Bossi, to grant final conditional approval of the Goodman Subdivision Plan (#20080042). Vote: 5-Yes. Motion carried.
- b. Consideration to Approve Resolution # 2008-65, Which Grants Final Approval to Miller Subdivision Plan (#20080041) – Mr. Davidson made a motion, seconded by Mr. Bossi, to grant final approval of the Miller Subdivision Plan (#20080041). Vote: 5-Yes. Motion carried.
- c. Consideration to Approve Resolution # 2008-66, Which Grants Final Conditional Approval to Mitchell Plan of Lots #2 Subdivision Plan (#20080043) – Mr. Davidson made a motion, seconded by Mr. Logan, to grant final conditional approval to the Mitchell Plan of Lots #2 Subdivision Plan (#20080043). Vote: 5-Yes. Motion carried.
- d. Consideration to Approve Resolution # 2008-67, Which Grants Final Conditional Approval to Schultz Plan #2 Subdivision Plan (#20080049) – Mr. Logan made a motion, seconded by Mr. Davidson, to grant final conditional approval of the Schultz Plan #2 Subdivision Plan (#20080049). Vote: 5-Yes. Motion carried.

13. ACTION TO BE TAKEN:

- a. Consideration to Approve Ordinance #2008-07, Which is Inter-Municipal Agreement with Adamsburg Borough for the Storage of Equipment and Salt – Mr. Bossi made a motion, seconded by

Mr. Logan, to approve Ordinance #2008-07, which is an inter-municipal agreement with Adamsburg Borough for the storage of equipment and salt. Vote: 5-Yes. Motion carried.

- b. Consideration to Approve Resolution #2008-68, Which is Winter Road Maintenance/Road Salt Distribution Policy -- Mr. Logan made a motion, seconded by a Mr. Davidson, to approve Resolution #2008-68, which is the Winter Road Maintenance/Road Salt Distribution Policy to become effective November 1st, 2008.
- c. Consideration to Approve Resolution #2008-69, Which is Reorganization of the Administration of the Fire Code Ordinance -- Mr. Davidson made a motion, seconded by Mr. Logan, to approve Resolution #2008-69, which is a reorganization of the administration of the fire code ordinance. Vote: 5-Yes. Motion carried.
- d. Consideration to Approve Resolution #2008-70, Which States the Intent to Appoint a Certified Public Accountant to Perform the 2008 DCED Financial Report --Mr. Davidson made a motion, seconded by Mr. Logan, to approve Resolution #2008-70, which states the intent to appoint a certified public accountant to perform the 2008 DCED Financial Report. Vote: 5-Yes. Motion carried.
- e. Consideration to Approve Resolution #2008-71, Which is Disabled Veterans Real Property Tax Exemption for Patricia Glott Property Tax Map # 50-29-06-0-177 -- Mr. Bossi made a motion, seconded by Mr. Logan, to approve Resolution #2008-71, which is disabled veterans real property tax exemption for Patricia Glott Property at Tax Map # 50-29-06-0-177. Vote: 5-Yes. Motion carried.
- f. Consideration to Approve Resolution #2008-72, Which is 2009 Local Share for Westmoreland Transit Authority in the Amount of \$8,250.00 – Mr. Davidson asked Mr. Ritson to request the Transit Authority to include “Hempfield Township” on all of its literature. Mr. Ritson noted that there was a \$500 increase from last year. Mr. Logan made a motion, seconded by Mr. Bossi, to approve Resolution 2008-72, which is 2009 local share for Westmoreland Transit Authority in the amount of \$8,250.00. Vote: 5-Yes. Motion carried.
- g. Consideration to Approve Resolution #2008-73, Which Releases Stormwater Management Financial Security for the Addison Heights Plan (Plan #0803) – Mr. Davidson made a motion, seconded by Mr. Logan, to approve Resolution #2008-73, which releases stormwater management financial security for the Addison Heights Plan (#0803). Vote: 5-Yes. Motion carried.
- h. Consideration to Approve Resolution #2008-74, Which is the PA Turnpike Stormwater Plan for the New Stanton Service Plaza (Plan #20080023) – Mr. Davidson made a motion, seconded by Mr. Bossi, to approve Resolution #2008-74, which is the PA Turnpike Stormwater Plan for the New Stanton Service Plaza (Plan #20080023). Vote: 5-Yes. Motion carried.
- i. Consideration to Approve Resolution #2008-75, Which is the PA Turnpike Stormwater Plan for the New Stanton Road Reconstruction (Plan # 20080034) – Mr. Bossi made a motion, seconded by Mr. Davidson, to approve Resolution #2008-75, which is the PA Turnpike Stormwater Plan for the New Stanton Road Reconstruction (Plan #20080034). Vote: 5-Yes. Motion carried.
- j. Consideration to Approve Resolution #2008-76, Which is the Hempfield Area School District Stormwater Plan (Plan # 20080040) – Mr. Bossi made a motion, seconded by Mr. Logan, to approve Resolution #2008-76, which is the Hempfield Area School District Stormwater Plan (Plan # 20080040). Vote: 5-Yes. Motion carried.

- k. Consideration to Approve Hiring Delta Development for a Two-Year Period Commencing November 1, 2008 and Ending October 31, 2010 at a Retainer of \$8,500/Mo. Plus Expenses for Federal and State Grant Assistance – Mr. Logan made a motion, seconded by Mr. Bossi, to approve hiring Delta Development for a two-year period commencing November 1, 2008 and ending October 31, 2010 at a retainer of \$8,500/month plus expenses for Federal and State grant assistance. Vote: 5-Yes. Motion carried.
- l. Consideration to Approve Pay Estimate #1 in the Amount of \$52,987.75 from Morgan Excavating for 2008 Red Onion CDBG Hot Mix Project – ITEM REMOVED FROM AGENDA.
- m. Consideration to Approve Change Order #1 in the Amount of (-\$27,734.02) from Morgan Excavating for 2008 Red Onion CDBG Hot Mix Project – ITEM REMOVED FROM AGENDA.
- n. Consideration to Approve Agreement with Log Cabin Fence Co. in the Amount of \$9,875.00 to Relocate Emergency Fire Substation (Lowest Quote) – Mr. Logan made a motion, seconded by Mr. Davidson, to approve agreement with Log Cabin Fence Company in the amount of 49,875.00 to relocate emergency fire substation (lowest quote). Vote: 5-Yes. Motion carried.
- o. Consideration to Approve Rejection of 2008-09 Recreation Bus Bids – (Program changes will not require bus usage) – Mr. Logan made a motion, seconded by Mr. Davidson, to approve rejection of 2008-09 recreation bus bids. Vote: 5-Yes. Motion carried.
- p. Consideration to Approve Awarding 2009 Recreation Uniform and Equipment Bids Attachment “A” Outlines the Bidders with Each Low Bidder for Each Item Highlighted in Bold Type – Mr. Weimer made a motion, seconded by Mr. Davidson, to approve awarding 2009 recreation uniform and equipment bids per Attachment “A”. Vote: 5-Yes. Motion carried.
- q. Consideration to Approve Settlement with Hanson Aggregates – Mr. Logan made a motion, seconded by Mr. Bossi, to approve settlement with Hanson Aggregates. Vote: 5-Yes. Motion carried.
- r. Consideration to Approve Recreation Winter Program Staff as Listed on Attachment “B” at Rates Noted – Mr. Bossi made a motion, seconded by Mr. Davidson, to approve recreation winter program staff as listed on Attachment “B” at rates noted. Vote: 5-Yes. Motion carried.
- s. Consideration to Approve the Following Emergency Service Applications Pending Successful Completion of a Physical Examination – Mr. Weimer made a motion, seconded by Mr. Davidson, to approve the following emergency service applications pending successful completion of a physical examination: David Zyvith and Brandon Sullenberger, Junior Firefighters, Bovard VFD; Matthew Huttenlock, Senior Firefighter, Hempfield #2 VFD; Josh Hoffman, Senior Firefighter, and Holly Howell, Senior Firefighter, Adamsburg, VFD; Paul Emerick, Senior Firefighter, and Vince Brasco, Trevor Casteel, and Robert Reese, Junior Firefighters, Carbon VFD; Steve Myers, Junior Firefighter, High Park VFD; and Greg Hixenbough, Junior Firefighter, Hannastown VFD. Vote: 5-Yes. Motion carried.
- t. Consideration to Accept Settlement Agreement with the West Point Volunteer Fire Department for the Current Fire Siren – Mr. Bossi made a motion, seconded by Mr. Davidson, to accept the settlement agreement with the West Point Volunteer Fire Department for the current fire siren. Vote: 5-Yes. Motion carried.

- u. Consideration for the Clarification of Letters Sent by Solicitor to Campaign Committee with Allegation that Supervisors' Raised Taxes on Average of Seventy Percent a Year – Mr. Davidson made a motion, seconded by Mr. Logan, for the clarification of letters sent by solicitor to campaign committee with allegation that Supervisors' raised taxes on average of seventy percent a year. Vote: 5-Yes. Motion carried. Mr. Mlakar said he sent a letter to the campaign that was alleging the raised taxes asking them to provide documentation to prove their claim. He said he received a response that it was not the local official that issued the statement but the state party. Therefore, Mr. Mlakar, said that he sent the letter to the state party. The response from the state party was that the ad was paid for by the committee which received the original letter. Mr. Mlakar stressed that Hempfield's taxes have remained at 3 mils since 1989. The political literature being disseminated was a gross misstatement of fact and one merely playing word games. The Local Services Tax was the only tax raised, which replaced the Occupational Privilege Tax, said Mr. Mlakar. He said the local services tax amounted to a \$42 increase per individual that works in Hempfield Township.

14. NEW BUSINESS:

- a. Comcast Franchise Renewal – Mr. Weimer noted that he received correspondence over the last week for cable fee increases. The letter also noted that the franchise agreement with Comcast expires December 30th, 2010. However, he stressed to the Board the only fee the municipality has any control over is the base cable rate, which Comcast never raises. Mr. Weimer made a motion, seconded by Mr. Bossi, to have the Township Solicitor send a letter to Comcast to negotiate the franchise renewal contract. Vote: 5-Yes. Motion carried.
- b. Outdoor Furnaces – Mr. Weimer requested that the Board of Supervisors pull the previous literature relating to outdoor furnaces and review it for discussion at the next public work session.
- c. Status of Grant Monies from Senator Regola's Office – Mr. Weimer commented that in discussions with Senator Regola's Office, they indicated that the grant monies that Hempfield Township made application for relating to the speed trailer is anticipated. Therefore, he said there will be an additional speed trailer for use by the municipality.

15. OLD BUSINESS: (None)

16. PROCLAMATIONS AND CERTIFICATES OF ACCOMPLISHMENT

- a. Recognized the Grapeville V.F.D. for 90 Years of Service – The Board of Supervisors presented a plaque to Fire Chief Dan Nescot for Grapeville Volunteer Fire Department's ninety (90) years of service to the residents of Hempfield Township.

17. SUPERVISORS' COMMENTS:

- a. John Silvis – Mr. Silvis thanked Supervisors John Bossi and Bob Davidson, and the West Point Fire Department for working cooperatively to resolve the fire siren issue. Lastly, he thanked Mr. Ritson and the staff for cutting back on the expenses during this economic crisis.

- b. Doug Weimer -- Mr. Weimer thanked the West Point firemen, Supervisors John Bossi and Bob Davidson for their due diligence on resolving the concerns regarding the fire siren issue. In addition, he congratulated the Grapeville Volunteer Fire Department for their 90 years of service to the Township. Lastly, he thanked Mr. Ritson for tightening the expenses whereby resulting in a budget with a positive impact.
- c. Bob Davidson – No comments.
- d. John Bossi – Mr. Bossi sincerely thanked the residents of the West Point area for the patience and the West Point Volunteer Fire Department for their cooperation and assistance in resolving the fire siren issue.
- e. Tom Logan – Mr. Logan requested the Board of Supervisors consider putting a plan in conjunction with the fire community and the elected auditors to put together a program to audit the financial records of the fire departments of the Township. He believes it would be a good step forward in the Supervisors getting more knowledge and a better understanding of the fire departments’ needs.

20. ADJOURNMENT:

Mr. Davidson made a motion, seconded by Mr. Weimer, to adjourn the meeting at 8:41 p.m.

MEETING ADJOURNED AT 8:41 PM

Chairperson

Secretary-Treasurer