

f. Ms. Annette Benedict, 807 Union Cemetery Road, Greensburg, addressed the Board concerning the stormwater runoff problem on Union Cemetery Road and asked that the Board consider including this project in its 2009 budget.

g. Mr. Stan Konowalski, 136 Athens Drive, Greensburg, addressed the Board on behalf of some of the residents of Athens Drive to express their complaints about the noise, dirt and dust generated by the township's operation of the salt storage bin and the stone and supply storage area at the municipal building property. He asked that the following recommendations be considered by the township: (1) Begin operations in this area no earlier than 8:00 am; (2) Move the salt bin to another location; (3) Construct a sound barrier; and (4) Restrict any more rock being dumped at the site.

h. Ms. Barbara Plischke, 116 Sterling Run Lane, Greensburg, addressed the Board to ask that she and her husband be informed of any future plans to develop the township property bordering their home so that they may have some input.

EXECUTIVE SESSION 7:52 TO 8:35 PM TO DISCUSS CRAIG DRIVE LITIGATION

3. EXECUTIVE SESSION - None

4. SECRETARY'S REPORT

Mr. Weimer made a motion, seconded by Mr. Logan, to approve the minutes of August 25, 2008 as presented. Vote: 4-0. Motion carried. (Mr. Bossi was not present at the time of this vote.)

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

- a. Director of Public Works** –Mr. Volpe advised on the following: (1) Union Cemetery Road Issue— This project will need to be added to the flood control program, to be considered after the Fort Allen and Zeller Street projects are completed. The township did lower the catch basins so water would lake onto the road instead of going into the driveways and homes. (2) West Point Fire Siren – The township performed tests at four fire stations (Carbon, Hempfield #2, West Point and Bovard), with Carbon having the same type of fire siren as West Point. One test was performed at the station and one test was performed at the closest residential property. However, when they tried to test the West Point siren at the closest property, the siren wouldn't trip on, so it must be done again. It was noted that the study would be available to the public at the township office any time after the next work day. (3) Athens Drive Noise Complaints – Information was given to the Board at the Public Work Session.
- b. Engineer** – Item 13 D under 'Action to be Taken' was added to the agenda at his request to take advantage of any potential additional CDBG monies from the County.
- c. Solicitor** – Mr. Mlakar advised on the following: (1) West Point Fire Siren – He received a letter from Attorney Kim Houser wherein it was stated that the fire department does not have the funds to change the siren and suggested that the township assist in coming to a resolution on the issue. Mr. Bossi made a motion, seconded by Mr. Davidson, to authorize the solicitor and the township manager to enter into negotiations with the West Point VFD one last time to try to resolve this matter and that

if no satisfactory resolution is forthcoming by the October 27th meeting, a recommendation will be made to the Board of Supervisors as to how to proceed. Vote: 5-0. Motion carried. (2) Craig Drive Litigation – Ms. Downs and Mr. Martello withdrew their appeal before the Zoning Hearing Board and an agreement has been drawn up as follows: (a) They will remove and discontinue the storage of a 10’ roll off truck and will not store it on the premises; (b) They will discontinue permitting employees to park vehicles at the premises at 209 Craig Drive and will not engage in such practices in the future; (c) They acknowledge that they were in violation of the township ordinance, and violations will be abated; (d) They can continue to bring the chipper and truck home and will be permitted to park the vehicle at the rear of the property when it’s not in use, and may use the wood chipper only for personal use; (e) They can bring logs home for personal use only. He noted that bringing home a work vehicle and parking it in your driveway is not operating a business and that it would be the same as a landscaper bringing home his truck with a snow plow attached to it, etc. Mr. Davidson made a motion, seconded by Mr. Logan, to approve the agreement as presented. Vote: 5-0. Motion carried.

- d. Township Manager** – Mr. Ritson reported on the following: (1) The budget process for 2009 has begun; (2) The revenue from the LST tax is trailing what was budgeted and he is going to contact Central Tax Bureau to determine what the problem is. (3) He noted that the township is experiencing the same decrease in revenue that the state and other municipalities have experienced and they are initiating cost cutting measures and looking at revenue raising ideas. Mr. Logan asked how much salt the township had available and how far it would go; Mr. Volpe replied that the township currently has enough salt to get through December 2008 unless there are some very large snow storms. Mr. Logan asked that the township take steps to stretch the salt supply as much as possible. (4) Mr. Silvis asked if Mr. Ritson was prepared to address the concerns of the residents of Athens Drive; Mr. Ritson advised the following: (a) A barrier cannot be constructed because it would have to be too high; (b) It would be cost prohibitive to attempt to move the salt bin; (c) Next year it may be possible to find an alternative location for the recycling of materials; and (d) They will address changing the hours of operation for the Department of Public Work. It was noted that the 6 am start time was chosen to cut down on overtime during snow removal months. Mr. Mlakar added that the township municipal building property is zoned industrial. Mr. Logan asked if trees could be grown for a buffer; it was noted that some residents with swimming pools complained about the trees that were at the site and those trees were removed so new ones that didn’t cause so much debris could be planted.

6. TREASURER’S REPORT

Mr. Ritson advised that the Treasurer’s report was attached to the agenda.

7. PAYMENT OF BILLS

Mr. Weimer made a motion, seconded by Mr. Bossi, to approve the following bills for payment as presented: (a) General Fund -- \$551,560.22; (b) Light District Fund-- \$6,911.48; (c) Recreation PLGIT Account -- \$3,584.80, and (d) Third Party VFD -- \$84.68. Vote: 4-0. 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 #2008-58 , Which Grants Final Conditional Approval to the Westmoreland County I.D.C. Lot #19 Resubdivision (#20080035)**—Mr. Davidson made a motion, seconded by Mr. Bossi, to approve as presented. Vote: 5-0. Motion carried.

13. ACTION TO BE TAKEN

- a. **Consideration to Approve Resolution #2008-59, Which Releases Completion Guarantee Bond for Stormwater for General Nuclear Site Plan**—Mr. Davidson made a motion, seconded by Mr. Bossi, to approve as presented. Vote: 5-0. Motion carried.
- b. **Consideration to Approve Resolution #2008-60, Which is a Stormwater Discharge Agreement with Frank Tompkins**—Mr. Davidson made a motion, seconded by Mr. Silvis, to approve as presented. Vote: 5-0. Motion carried.
- c. **Consideration to Approve Resolution #2008-61, Which is a Sewage Facilities Planning Module for Westmoreland I.D.C. Lot #19**—Mr. Davidson made a motion, seconded by Mr. Logan, to approve as presented. Vote: 5-0. Motion carried.
- d. **Consideration to Authorize CDBG Application for Storm Sewer Dredging n the Zeller Street Storm Sewer System**—Mr. Weimer made a motion, seconded by Mr. Bossi, to approve as presented. Vote: 5-0. Motion carried.
- e. **Consideration to Approve Authorizing Solicitor to Draft Response to PA Department of Labor & Industry Acknowledging Township Compliance with Cease & Desist Order**—Mr. Ritson advised that the township received a letter from the Department of Labor and Industry advising that because the township opted out of the Uniform Construction Code, it was not permitted to enforce any codes. He noted that at the time it opted out, the township chose to enforce additional provisions to the fire code. Mr. Ritson stated that a commercial developer filed a formal complaint with Labor and Industry and the Department issued an order to cease and desist any code enforcement. He advised that the township will have to amend its fire code ordinance to comply with the Uniform Construction Code. Mr. Logan made a motion, seconded by Mr. Bossi, to approve as presented.
- f. **Consideration to Approve Hiring Attorney Bernie Matthews at a Rate of \$135.00/hr. for Personnel Matters**—Mr. Davidson made a motion, seconded by Mr. Logan, to approve as presented. Vote: 5-0. Motion carried.
- g. **Consideration to Approve the Following Emergency Service Applications Pending Successful Completion of a Physical Examination:**

- | | | |
|---------------------|------------------|-----------------|
| 1) Jeremiah Flynn | Hempfield #2 VFD | Sr. Firefighter |
| 2) William Gutowski | Hannastown VFD | Jr. Firefighter |
| 3) Dwayne Ferrarini | Midway-St. Clair | Sr. Firefighter |

—Mr. Davidson made a motion, seconded by Mr. Bossi, to approve as presented. Vote: 5-0.
Motion carried.

14. NEW BUSINESS

Mr. Weimer stated he had a question about the township’s dog control ordinance because he had a call from a resident with concerns about a neighbor’s dog being considered a “vicious” breed of dog. Mr. Mlakar advised this issue had been discussed in the past and the problem arises as to where do you draw the line based on breed of animal. Mr. Ritson added that if the Board were to agree that it wanted a “vicious dog” ordinance it could direct the solicitor to prepare a draft.

15. OLD BUSINESS - None

16. PROCLAMATIONS AND CERTIFICATES OF ACCOMPLISHMENT - None

17. SUPERVISORS’ COMMENTS

Members of the Board commended the township staff for its work on Community Days.

Mr. Bossi noted that Fire Prevention Day was scheduled for October 7, 2008 from 6:30 to 9:00 pm at Westmoreland Mall.

18. ADJOURNMENT

MEETING ADJOURNED AT 9:24 PM

CHAIRMAN

SECRETARY-TREASURER