

HEMPFIELD TOWNSHIP BOARD OF SUPERVISORS
MONTHLY MEETING
MARCH 23, 2009
7:00 PM

1. CALL TO ORDER AND PLEDGE TO THE FLAG

Mr. Silvis called the meeting of the Hempfield Township Supervisors, held in the Hempfield Township Municipal Building to order at 7:00 p.m.

Members Present: Mr. John Silvis Mr. John Bossi
 Mr. Thomas Logan Mr. Robert Davidson
 Mr. R. Douglas Weimer

Staff Present: Mr. Les Mlakar Mr. Dan Schmitt
 Mr. Michael Volpe Mrs. Lynda Lytle

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

Judith Duritsa of 301 North Drive in the Beech Hills Plan presented a petition on behalf of the Beech Hills neighborhood. Residents of the Beech Hills area are asking for the eradication of the feral cats that have dominated their neighborhood for a number of years. They have sustained property damage in many forms, but the health concerns in recent months have brought this problem to the forefront. Neighbors have been attacked, one requiring an emergency room visit involving stitches and undergoing the rabies inoculation series. The second needed antibiotics for a diagnosis of cat scratch fever. The entire neighborhood is exposed to toxoplasmosis and other diseases carried by cats just by working outdoors on their own property and contacting the feces that is found everywhere. They asked the Supervisors of Hempfield Township to address this problem. The Supervisors stated that they would be addressing this problem later in the agenda.

Linda Fry of 1170 Swede Hill Road near the Menock Manor Mobile Home Park presented the Supervisors with pictures showing damage to her property from a water run-off problem. She is getting water, debris from two state roads (Willow Crossing and Swede Hill) and garbage from a neighbor's house which then runs down her private alley flooding her property and house. She is also getting water, mud and garbage from the soccer field at Swede Hill Park. This water and mud is damaging the foundation, walkway and patio of her home. She has a drainage system, but it no longer handles the problem. She will be contacting her lawyer regarding this matter.

John Warren of 309 Willow Crossing Road stated that the garbage she gets is coming from Mr. Keller's property when the water runs down the private alley. He stated that there is not just garbage behind Mr. Keller's house, but abandoned cars and he is running a business out of his house. Mr. Warren asked that this property be cleaned up. He also stated that Mr. Keller blocks the alley with his truck. The Supervisors stated that they would send an Ordinance Officer out to view the site and take the necessary

action. Mr. Volpe then stated that he had the Road Department out there in the past and tried to divert the soccer field water away from the alley and her property but there are kids on quads breaking down the swales. He also stated that PennDOT was requested to go out and view the water run-off problem coming from the two state roads. Mr. Volpe and Dan Schmitt met with PennDOT. They said that they would put the possible berming/grading of the two roadways on their list of items to be done. Since the alley is private, and not Township maintained, the homeowners would have to upgrade the alley to stop the runoff. Mr. Mlakar then stated that Swede Hill Park is County property and that the Township leases it. He suggested that the Township work with the County to fix the run-off problem. Mr. Schmitt stated that they had discussed upgrading the soccer field area and thought that the Township would consider upgrading the drainage from the field and park areas. Mr. Mlakar then recapped the action the Township would take. Mr. Volpe and Mr. Schmitt would view and determine what action is to be taken with the Swede Hill Park water discharge problem. The Code Officers will be sent out to handle the garbage issue. In regard to the private alley and the water discharging from both State roads, the Township will again contact PennDOT and ask them to berm the road. Also, the residents would have to handle any upgrades to their private alley to stop the flow of the damaging water runoff. The issue of one of the residents blocking the private alley would be a private civil matter and they would have to hire an attorney to handle this for them.

Greg Saunders from the Hempfield Fire Chief's Association read a prepared report to the Supervisors on the Township Emergency Services man hours and fire calls which occurred during the month of February 2009. (See attached report.) He stated that he met with State Representative Tim Kreiger and Representative Mike Reese to discuss the Chief's concerns with the Township fire code. Both Representatives stated that they would help out with these concerns as other municipalities are having the same problems. The Fire Chiefs Association along with the PA State Fire Commissioner will sponsor a Courage to be Safe Seminar on Wednesday, March 25, 2009 at the Four Points Sheraton. The Hempfield Township Fire Chiefs will meet with Mutual Aid Ambulance for the presentation of Mutual Aids firefighters support unit they have established. This will be held on April 1, 2009.

Greg Zimmerman the Hempfield Township Emergency Management Coordinator reported on emergency services actions during the bomb threat at Westmoreland Mall. He said that he was concerned because the state police requested bomb dogs from Armstrong and Allegheny Counties. Westmoreland County has their own bomb dogs and they were not requested. The mall was shut down during the search, bombs were not found and everything went smoothly.

Announcement:

Mr. Silvis announced that the Township has just recently lost three members of the community who were very active within the Township, those being Bob Schulte, Joyce Stevey and Bob Eichner. He spoke for the entire Board expressing their deepest sympathies to the families.

3. EXECUTIVE SESSION

- a. February 23, 2009 – Personnel Issues
- b. March 5, 2009 – Legal and Personnel Issues
- c. March 18, 2009 – Legal and Personnel Issues

Mr. Weimer announced that Executive Sessions were held on February 23rd, March 5th, and March 18th, concerning legal and personnel issues.

4. SECRETARY'S REPORT

- a. Approval of Supervisors Monthly Meeting Minutes for February 23, 2009
- b. Approval of Supervisors Special meeting Minutes for March 5, 2009

Mr. Weimer made a motion, seconded by Mr. Davidson, to approve the Supervisors Monthly Meeting minutes for February 23, 2009 and the Supervisors Special Meeting minutes for March 5, 2009. Vote: 5-0. Motion carried.

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

Engineer:

Mr. Schmitt stated that he gave his report at the Public Work Session and has nothing further to report.

Public Works:

Mr. Volpe stated that also gave his report at the Public Work Session and then reported that Pores Road Bridge has been closed.

Solicitor:

Mr. Mlakar stated that he has given a copy of the supplemental decision of the Zoning Hearing Board on the McCune case. He has reviewed Findings-of-Fact and does not necessarily agree with them. No additional action needs to be taken as he is working with the McCune's attorney Gary Falatovich to come up with a global settlement.

6. TREASURER'S REPORT

Mr. Logan reviewed the Treasurer's Report which is attached to the agenda.

Mr. Weimer made a motion, seconded by Mr. Davidson, to approve the Treasurer's Report as presented. Vote: 5-0. Motion carried.

7. PAYMENT OF BILLS

- a. General Fund -- \$423,633.72
- b. Light District Fund-- \$7,568.07
- c. Recreation PLGIT Account -- \$1,800.23

Mr. Logan made a motion, seconded by Mr. Davidson, to approve the payment of bills in the General fund in the amount of \$423,633.72; Light District Fund in the amount of \$7,568.07; and the PLGIT Account in the amount of \$1,800.23. 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 #2009-32, Which Grants Final Conditional Approval to the Pennsylvania State Police Annex to Ballistic Lab Site Plan (#20090003)

Mr. Davidson made a motion, seconded by Mr. Bossi, to approve Resolution #2009-32. Vote: 5-0. Motion carried.

12. SUBDIVISION PLANS

- a. Consideration to Approve Resolution #2009-33, Which Grants Final Approval to the Betty J. Smail Subdivision Plan (#20090002)

Mr. Davidson made a motion, seconded by Mr. Bossi, to approve Resolution #2009-33. Vote: 5-0. Motion carried.

- b. Consideration to Approve Resolution #2009-34, Which Grants Final Conditional Approval to the Farrell-Trump Subdivision Plan (#20090005)

Mr. Davidson made a motion, seconded by Mr. Logan, to approve Resolution #2009-34. Vote: 5-0. Motion carried.

- c. Consideration to Approve Resolution #2009-35, Which Grants Final Conditional Approval to the Gnesda-Errett Subdivision Plan (#20090006)

Mr. Logan made a motion to approve Resolution #2009-35.

Question:

Mr. Davidson questioned whether this plan was ready to be approved. Mr. Mlakar stated that the plan is fine and the only condition is the execution of the Mylar by the property owners.

Mr. Davidson then seconded the motion. Vote: 5-0. Motion carried.

- d. Consideration to Approve Resolution #2009-36, Which Authorizes Withdrawal of the Monsour Plan #1 Subdivision (#20080059)

Mr. Bossi made a motion, seconded by Mr. Davidson, to approve Resolution #2009-36.

Question:

Mr. Davidson questioned if this was the property on Route 30. Mr. Mlakar stated that it is the big two-lot subdivision that there was some question about them being able to pass sewage, a letter was received from HTMA approving the subdivision but the deal fell apart. This is just an action to have a permanent record for the file.

Vote: 5-0. Motion carried.

13. ACTION TO BE TAKEN

- a. Consideration to Approve Resolution #2009-37, Which Declares Surplus Computer and Other Devices as Surplus Property and Authorize its Distribution to a Specific Animal Shelter or Humane Society with Reference to the Second Class Code Pursuant to Section 1531

Mr. Davidson made a motion, seconded by Mr. Logan, to approve Resolution #2009-37. Vote: 5-0. Motion carried.

Mr. Davidson stated that the Supervisors are expecting a reply from the Humane Society that the surplus computer equipment was received.

- b. Consideration to Approve Resolution #2009-38, Which Recognizes the New PA Records Management Manual for the Management of Hempfield Township Records

Mr. Bossi made a motion, seconded by Mr. Davidson, to approve Resolution #2009-38. Motion carried. Vote: 5-0. Motion carried.

- c. Consideration to Approve Resolution #2009-39, Which Establishes a Disposition Schedule for Tape Recordings of Hempfield Township Board of Supervisor Public Meetings

Mr. Bossi made a motion, seconded by Mr. Logan, to approve Resolution #2009-39. Vote: 5-0. Motion carried.

- d. Consideration to Approve Resolution #2009-40, Which Appoints a Delegate and Alternate Delegate to the Westmoreland County Tax Collection Committee Pursuant to Act 32 of the Commonwealth of Pennsylvania

Mr. Mlakar stated that Mr. Logan was appointed the delegate at last month's meeting.

Mr. Bossi made a motion to name R. Douglas Weimer as the Alternate Delegate to the Westmoreland County Tax Collection Committee. Mr. Davidson seconded the motion. Vote: 5-0. Motion carried.

- e. Consideration to Approve Temporary Closing of Pores Road Bridge on the Recommendation of the Township Engineer

Mr. Bossi made a motion, seconded by Mr. Davidson, to approve the temporary closing of the Pores Road Bridge. Vote: 5-0. Motion carried.

- f. Consideration to Approve Resolution #2009-41, Which Approves the Request from Hempfield Township Fire Police Association to Provide Fire Police Services at Events Listed on **Attachment 'A'**

Mr. Bossi made a motion, seconded by Mr. Davidson, to approve Resolution 2009-41.

Question:

Mr. Bossi questioned if they worked on these types of events in the past. Mr. Mlakar stated that in the past the approval was not given by resolution, but he felt it necessary to avoid any workers' compensation problems.

When asked about the directing of traffic for funerals, several Fire Police in the audience said that they only direct traffic at cemeteries, not funeral homes, within the Township. The Township is to be notified if the Fire Police are going to be attending any of these types of events.

Vote: 5-0. Motion carried.

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

1) Justin Ray	Adamsburg VFD	Jr. Firefighter
2) Steve Myers	Adamsburg VFD	Sr. Firefighter
3) John Richard	Bovard VFD	Sr. Firefighter
4) Michael Wolford	HEMA	Volunteer
5) James Emery	HEMA	Volunteer
6) Jerry Trainer	HEMA	Volunteer
7) David Vale	HEMA	Volunteer
8) Denise Henry	HEMA	Volunteer
9) Jaime Kepple	Midway-St. Clair	Administrative

Mr. Weimer made a motion, seconded by Mr. Davidson, to approve the emergency service applications of the people listed upon successful completion of a physical examination done by the Township Doctor. Vote: 5-0. Motion carried.

- h. Consideration to Approve Resolution #2009-42, Which Authorizes Participation in Application Process for DCNR 2009 Community Conservation Partnerships Program Grants Application Cycle for Selected Projects

Mr. Bossi made a motion, seconded by Mr. Weimer, to approve Resolution #2009-42. Vote: 5-0. Motion carried.

- i. Consideration to Approve Authorizing Township Engineer to Advertise for the 2009 Hot Mix Paving Program

Mr. Bossi made a motion, seconded by Mr. Davidson, to authorize the Township Engineer to advertise the 2009 Hot Mix Paving Program. Vote: 5-0. Motion carried.

- j. Consideration to Approve Authorizing Township Engineer to Advertise for E-3M Oil for the 2009 Shot/Chip Program

Mr. Bossi made a motion to authorize the Township Engineer to advertise for bids on the E-3M oil for the 2009 Shot/Chip Program. Mr. Davidson seconded the motion. Vote: 5-0. Motion carried.

- k. Consideration to Approve Authorizing Township Public Works Director to Advertise for the 2009 Recycled Asphalt Program

Mr. Logan made a motion, seconded by Mr. Bossi, to authorize the Director of Public Works to advertise for the 2009 Recycled Asphalt Program.

Question:

Mr. Bossi, asked how many miles of roadway would be done? Mr. Volpe stated that there would be 4 or 5 miles done and that the Hempfield Township Municipal Authority would be paying for repairs to Buffalo Hill Road.

Vote: 5-0. Motion carried.

- l. Consideration to Approve Awarding Contracts for Improvements to Township Owned **Properties to Ashe's Chimney Sweep (three quotes obtained) as Follows:**

- 1) Recreation house property off Route 136: Install new chimney liner, lowest of 3 bids for repairs approximately \$1,600.00
- 2) Hempfield Park house: Install wood burner in the **fireplace opening and install 6"** flue liner, lowest of 3 bids approximately \$4,200.00

Mr. Bossi made a motion, seconded by Mr. Logan, to approve the repairs to the Township property as presented on the agenda. Vote: 5-0. Motion carried.

- m. Consideration to Approve Resolution #2009-43; Which is an Addendum to Employment Agreement between Hempfield Township and Kurt Ferguson Related to Uniform Group Life Insurance Policy

Mr. Davidson made a motion, seconded by Mr. Bossi, to approve Resolution #2009-43. Vote: 5-0. Motion carried.

- n. Consideration to Approve Resolution #2009-44, Which Establishes a 457 Deferred Compensation Plan for Township Manager

Mr. Davidson made a motion, seconded by Mr. Logan, to approve Resolution #2009-44. Vote: 5-0. Motion carried.

- o. Consideration to Approve Hiring the Following Individuals for Summer Part-Time Public Works Program:

1) Wes Carnes	\$10.00/hr.	5) Laura Evans	10.00/hr.
2) Michael Walor	10.00/hr.	6) Evan Richards	10.00/hr.
3) Aaron Kurzinski	10.00/hr.	7) Corey Johnson	9.50/hr.
4) Robert Josebeck	10.00/hr.	8) Josh Kunkle	9.50/hr.

Mr. Weimer made a motion, seconded by Mr. Bossi, to approve hiring the individuals listed as summer part-time employees in the Public Works Program.

Mr. Silvis questioned why the hires listed under 7. and 8. are \$.50 an hour less than everyone else. Mr. Volpe stated that they are new hires and the other six worked here two years and qualify for a higher rate.

Vote: 5-0. Motion carried.

- p. Consideration to Approve Contract with Safe Cide Wetlands & Pest Management for Mosquito Control Service in Wegley Village Area. The 2009 Service Fee will be \$400.00 per Month, \$2,000 for the 5 Month Season of April through August. As per Past Arrangements with Manor Borough, the Fee will be Split Equally between the Two Municipalities. Manor Borough will Pay \$200.00 per Month and Hempfield will Pay the same \$200.00 per Month, for a Total of \$1,000.00 from Each Community for the Five Month Season. Should Late Season Services be Needed the Additional Treatments Can be Added to the Contract for the Same Monthly 2009 Rate.

Mr. Logan made a motion, seconded by Mr. Davidson, to approve the contract with Safe-Cide Wetlands & Pest Management for mosquito control in Wegley.

Mr. Bossi questioned if these were the same areas hit last year. Mr. Volpe stated that they are.

Vote: 5-0. Motion carried.

- q. Consideration to Approve Resolution #2009-45, Which is a Settlement Agreement Between Hempfield Township and Sidney M. Steiner and Marian R. Steiner

Mr. Mlakar explained that he had been working on this Spartan Drive condemnation case with the Steiner's attorney for several years and has finally been able to negotiate a settlement of \$2,000

which will include interest, delay damages, and attorney fees. He feels that this is a reasonable settlement.

Mr. Davidson made a motion, seconded by Mr. Bossi, to approve Resolution #2009-45. Vote: 5-0. Motion carried.

- r. Consideration to Approve Authorizing Solicitor to Advertise Ordinance to Adopt Hempfield Township Non-Uniform Employees Other Post-**Employment Benefit (“OPEB”) Retiree** Benefits Plan and Adopt the Declaration of Trust of the Hempfield Township OPEB Integral Part Trust and Establish a Funding Policy for OPEB Benefits and its Intention to Fund the OPEB Integral Part Trust. This Ordinance will be Advertised for either the April or May 2009 Meeting

Mr. Mlakar explained that he has been working with Mr. Randall Rhoades and Cowden & Associates on setting up a separate health care fund for the Township employees that have yet to retire. Cowden & Associates will do an actuarial study to determine the amount of money to be set aside each year. This should be done by April or May. There is presently \$550,000 in a fund to cover these liabilities. There has been no contribution to this fund since its inception. Last year, 2008, for retired health care benefits the Township spent \$343,000. Every year more people are retiring than are going out of the plan. This is really an unfunded liability. There is less than a year funded at this time. Once this trust is created it cannot be used by these Supervisors or any future elected boards cannot use the money in that trust for any other purpose than what it is intended for. The trust will pay for any audit or additional fees which may occur. The trust will own the money and the Board of Supervisors will be the trustees with an appointed investment manager, etc.

Mr. Logan made a motion, seconded by Mr. Davidson, to approve authorizing the Solicitor to do the advertising. Vote: 5-0. Motion carried.

- s. Consideration to Approve Resolution #2009-46, Which is Optional Rider to Professional Service Contract for Stray Feline Service with Hoffman Kennels

Mr. Bossi made a motion, seconded by Mr. Davidson, to approve Resolution #2009-46.

Question:

Mr. Logan questioned whether the Township would be directing Mr. Hoffman as to when to go out. Mr. Mlakar stated that he will be working with the Township. He will have to have some contact people from the Township, possibly someone from the Code Office until the new manager begins work.

Mr. Mlakar then suggested that it would be a good idea if the Township looked into educating the residents on feral cats by placing educational information obtained from the Humane Society in the Headlining Newsletter.

Vote: 5-0. Motion carried.

14. OLD BUSINESS

Mr. Silvis introduced Mrs. Susan Scherff. She had previously submitted a report on the seminar retreat that she attended. She then thanked the Supervisors for giving her the opportunity to attend the retreat and follow up meetings, which was very informative. She received a notice that the Regional Trail Corporation has contracted with a person to provide fund development services.

15. NEW BUSINESS

Mr. Davidson reported that the West Point Fire Departments new siren is up and working well.

16. PROCLAMATIONS AND CERTIFICATES OF ACCOMPLISHMENT - None

17. SUPERVISORS' COMMENTS

Mr. Weimer complimented the members of H.E.M.A. for the good job they did with the bomb threat at Westmoreland Mall.

18. ADJOURNMENT

Mr. Silvis stated that the meeting was adjourned.

Meeting Adjourned at 8:02 p.m.

R. Douglas Weimer, Secretary

John Silvis, Chairman