

HEMPFIELD TOWNSHIP BOARD OF SUPERVISORS

MONTHLY MEETING

SEPTEMBER 28, 2009

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 7:08 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. Les Mlakar
Mr. Mike Volpe
Mr. Bruce Beitel
Mr. Dan Schmitt
Mr. Kurt Ferguson
Mrs. LuAnn Panigall

2. HEARINGS: None.

Mr. Weimer added an additional item under “Action to be Taken”. Item b1 – Consideration to approve the appointment of James Matscherz as the UCC Hempfield Building Code Official.

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

- a. **Mr. James Hricko, Swede Hill Road**, addressed the Board concerning an issue he has with his home being flooded in June from water run-off from Swede Hill Road. Mr. Weimer stated that he has the letter from Mr. Hricko to be entered into the record this evening. Mr. Ferguson informed Mr. Hricko that Township staff planned to view his situation during their Wednesday road view.
- b. **Mrs. Josephine Grimm, 164 Bonita Drive**, inquired if the Board has received notice of a lawsuit filed by Gary Falatovich on her behalf against the Township. Mr. Mlakar advised that notice has been received and forwarded to the Township’s insurance carrier. Mr. Mlakar also advised the Board that due to potential litigation no further comments should be made.

- c. **Mr. Jerry Zywicki, 403 Wren Drive**, commented on the flooding that occurred behind his house on Wren Drive; the problem of people coming in and setting up hockey nets and other things and allowing their children to play in the cul-de-sac where he lives and the residents there being unable to get into their driveways; questioned the signs that are erected at St. John's ballfield not allowing dogs on the ballfields where many nearby residents take their dogs to play and the number of broken beer bottles and other items that are in the grass near the ballfields and playground; and inquired about the possibility of stop signs being erected on Sells Lane at the intersection of Locust Street as it is difficult seeing traffic coming down the hill. Mr. Ferguson stated that in reference to the stop sign request, the Township will look into the matter and forward it to the traffic safety committee.
- d. **Mrs. Donna Werner, 2554 Brown Avenue, Grapeville**, reported that she has observed Nick's Towing dumping many things over to the Westmoreland Glass site. There is also a lot of oil being leaked onto the road. Mr. Mlakar advised that he is waiting from some documents from the State. The Township has a consent order as to what Nick's Towing is permitted to do on that site, and a meeting is scheduled this week with the code enforcement office regarding what the officers have found. The Township is aware there are violations down there but the Township has to detail exactly what they are.

4. EXECUTIVE SESSION:

Mr. Silvis acknowledged that an executive session was held on September 23, 2009.

5. SECRETARY'S REPORT:

a. Consideration to Approve Minutes:

Mr. Weimer made a motion, seconded by Mr. Logan, to approve the minutes of July 27, 2009, Monthly Supervisors' Meeting; and August 24, 2009, Monthly Supervisors' Meeting. Vote: 5-Yes. Motion carried.

b. Monthly Fire Service Report:

Mr. Dan Nescot, Fire Chiefs' Association Secretary, presented the September fire service report and noted that the Township fire departments responded to 406 alarms.

6. STAFF REPORTS:

- a. **Public Works** – Mr. Volpe submitted his report to the Board at the public work session meeting and has nothing to add.
- b. **Engineer** – Mr. Schmitt submitted his report to the Board at the public work session meeting. Mr. Schmitt reported that contractor began the milling in Bovard on Friday, September 25th and should finish today with paving to be done this week. Mr. Weimer stated that Mr. DeAugustine contacted him and advised that the Township has an incorrect address for him. Mr. DeAugustine received a letter that was

severely damaged by the post office from the Township; however, he is unable to read it. A copy of the letter will be sent to Mr. DeAugustine at the correct address.

- c. **Solicitor** – Mr. Mlakar stated that he has nothing to add to his report but he would like to explain the Beacon Holding decision which is on the agenda this evening.
- d. **Township Manager** – Mr. Ferguson stated that he had nothing this evening.

7. TREASURER'S REPORT:

Mr. Logan informed the Board that he does not have a Treasurer's report this evening. Mr. Logan further advised the Board that he and Mr. Ferguson are working on the 2010 budget and should have it to the Board in October.

8. PAYMENT OF BILLS:

Mr. Logan made a motion, seconded by Mr. Davidson, to approve payment of bills as follows: General Fund, \$846,160.03; Light District Fund, \$7,488.40; Recreation PLGIT Account, \$4,578.50; Liquid Fuel Fund, \$34,001.62; and Pop Fund, \$57.00. Mr. Ferguson noted that the bill list includes the Township's annual pension payment. Vote: 5-Yes. Motion carried.

9. SCHEDULING OF HEARINGS:

- a. **Consideration to Approve Scheduling Hearing for Barbara Jessup/Dick Stevenson Appeal of the Revocation of a Mobile Home Park License** – Mr. Bossi made a motion, seconded by Mr. Davidson to schedule a hearing for Barbara Jessup/Dick Stevenson appeal of the revocation of a mobile home park license. Mr. Mlakar noted that this hearing must be scheduled within 30 days. Vote: 5-Yes. Motion carried.

10. DECISIONS FOR HEARINGS:

- a. **Consideration to Approve Resolution #2009-85, Which Renders a Decision on the Beacon Pennsylvania Holdings Hearing** – Mr. Mlakar informed the Board that he has prepared the resolution for Board's decision on the Beacon Pennsylvania Holding hearing. Resolution #2009-85 denies Beacon Pennsylvania Holdings appeal and details the Board's decision. Beacon Pennsylvania Holdings has 30 days to remove all the garbage and solid waste from the property and 120 days to demolish the structure on the property. Failure of Beacon Pennsylvania Holdings to comply with decision will result in fines as outlined in the resolution. Mr. Mlakar noted that Beacon Pennsylvania Holdings has 30 days to appeal the Board's decision to court. Mr. Bossi made a motion, seconded by Mr. Davidson, to approve Resolution #2009-85 denying Beacon Pennsylvania Holdings appeal. Vote: 5-Yes. Motion carried.

11. PLANNED RESIDENTIAL DEVELOPMENTS (PRD): None.

12. SITE PLANS: None.

13. SUBDIVISION PLANS:

- a. **Consideration to Approve Resolution #2009-86, Which Grants Final Approval to the Racan-Lebin Subdivision (Plan #20090018)** – Mr. Davidson made a motion, seconded by Mr. Logan, to approve Resolution #2009-86, which grants final approval to the Racan-Lebin subdivision plan. Vote: 5-Yes. Motion carried.

14. ACTION TO BE TAKEN:

- a. **Consideration to Approve Ordinance #2009-03, Which Authorizes the Township to Enter Into an Inter-municipal Agreement with the Borough of Arona and the Hempfield Township Municipal Authority** – Mr. Bossi made a motion, seconded by Mr. Davidson, to approved Ordinance #2009-03, which authorizes Hempfield Township to enter into an inter-municipal agreement with the Borough of Arona and the Hempfield Township Municipal Authority. Vote: 5-Yes. Motion carried.
- b. **Consideration to Approve Ordinance #2009-04, Which Adopts the Hempfield Township Building Code Pursuant to the Pennsylvania Uniform Construction Code** – Mr. Bossi made a motion, seconded by Mr. Davidson, to approve Ordinance #2009-04, which adopts the Hempfield Township Building Code pursuant to the Pennsylvania Uniform Construction Code. Vote: 4-Yes. 1-No—Mr. Silvis. Motion carried.
- b1. **Consideration to Approve Appointment of James Matscherz as the UCC Hempfield Building Code Official** – Mr. Davidson made a motion, seconded by Mr. Bossi, to appoint Mr. James Matscherz as the UCC Hempfield Building Code official. Vote: 4-Yes. 1-No—Mr. Silvis. Motion carried.
- c. **Consideration to Approve Ordinance #2009-05, Which Adopts an Agreement with the Westmoreland County Council of Governments Establishing a UCC Appeals Board** – Mr. Davidson made a motion, seconded by Mr. Bossi, to approve Ordinance #2009-05, which adopts an agreement with the Westmoreland County Council of Governments establishing a UCC appeals board. Vote: 4-Yes. 1-No—Mr. Silvis. Motion carried.
- d. **Consideration to Approve Resolution #2009-87, Which Establishes a Fee Schedule for the Administration and Enforcement of the Pennsylvania Uniform Construction Code and Establishing a Fee Schedule for Inter-municipal Liquor License Transfer Hearings** – Mr. Bossi made a motion, seconded by Mr. Davidson, to approve Resolution #2009-87, which establishes a fee schedule for the administration and enforcement of the Pennsylvania Uniform Construction Code and establishing a fee schedule for inter-municipal liquor license transfer hearings. Vote: 4-Yes. Mr. Silvis voted “no” on establishing a fee schedule for the administration and enforcement of the Pennsylvania Uniform Construction Code and voted “yes” on establishing a fee schedule for inter-municipal liquor license transfer hearings. Motion carried.

- e. **Consideration to Approve Resolution #2009-88, Which Releases Financial Security and Judgment Note for Bible Fellowship Stormwater Management Plan #0599 and 0166** – Mr. Bossi made a motion, seconded by Mr. Weimer, to approve Resolution #2009-88, which releases financial security and judgement note for Bible Fellowship stormwater management plan #0599 and #0166. Vote: 5-Yes. Motion carried.
- f. **Consideration to Approve Resolution #2009-89, Which Releases Financial Security for Kennametal Stormwater Management Plan #20080025** – Mr. Bossi made a motion, seconded by Mr. Weimer, to approve Resolution #2009-89, which releases financial security for the Kennametal stormwater management plan #20080025. Vote: 5-Yes. Motion carried.
- g. **Consideration to Approve Resolution #2009-90, Which Approves a Form Excess Maintenance Agreement for Over-Weight Posted Roads** – Mr. Bossi made a motion, seconded by Mr. Logan, to approve Resolution #2009-90, which approves a form excess weight maintenance agreement for overweight posted roads. Mr. Mlakar advised that the resolution includes language that time parameters will be established. Vote: 5-Yes. Motion carried.
- h. **Consideration to Approve Resolution #2009-91, Which Releases Financial Security for Greensburg Christian and Missionary Alliance Church Stormwater Management Plan #0105** – Mr. Davidson made a motion, seconded by Mr. Bossi, to approve Resolution #2009-91, which releases financial security for Greensburg Christian and Missionary Alliance Church stormwater plan #0105. Vote: 5-Yes. Motion carried.
- i. **Consideration to Approve the Following Emergency Service Applications Pending Successful Completion of a Physical Examination:**

1) Douglas Greer	Volunteer	HEMA
2) William Garris	Sr. Firefighter	Fort Allen VFD
3) Cody Camarote	Jr. Firefighter	West Point VFD
4) Ben Hunter	Jr. Firefighter	West Point VFD
5) Scott Reedy	Jr. Firefighter	West Point VFD
6) Joshua Chedrick	Jr. Firefighter	Carbon VFD

Mr. Weimer 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 Extension of Engineering Agreement for Old Route 30 Project from July 31, 2009 through July 31, 2010** – Mr. Bossi made a motion, seconded by Mr. Davidson, to approve the extension of the engineering agreement for the Old Route 30 bridge project from July 31, 2009 through July 31, 2010. Vote: 5-Yes. Motion carried.
- k. **Consideration to Approve Change Order #1 in the Amount of \$11,949.00, Change Order #2 in the amount of \$17,800.00 and Pay Estimate #1 in the Amount of \$25,410.60 with Robinson Pipe Cleaning Company for Zellers Street Cleaning Contract** – Mr. Weimer made a motion, seconded by Mr. Bossi, to approve change Order #1 in the amount of \$11,949.00, Change Order #2 in the amount of \$17,800.00, and Pay Estimate #1 in the amount of \$25,410.60 with Robinson Pipe Cleaning Company for the CDBG Zellers Street storm sewer cleaning contract. Vote: 5-Yes. Motion carried.

l. Consideration to Approve Submission of the 2010 CDBG Applications to the Westmoreland County Planning Department with the Following Priority Ranking:

1) Zellers Street Stormwater Improvements, Phase 2	\$155,489.00
2) Lexington Green Area Paving Program	191,167.00
3) Grapeville Area Paving Program	366,129.00

Mr. Logan made a motion, seconded by Mr. Bossi, to approve the submission of the 2010 CDBG applications to the Westmoreland County Planning Department with the above-referenced rankings. Vote: 5-Yes. Motion carried.

- m. Consideration to Approve Purchase of 2009 F-350 Crew Cab Utility Truck from Apple Automotive Fleet Corporation at a Cost of \$38,154.00 (State Contract #013-051) –** Mr. Davidson made a motion, seconded by Mr. Bossi, to approve the purchase of a 2009 F-350 crew cab utility truck from Apple Automotive Fleet Corporation at a cost of \$38,154.00. Vote: 5-Yes. Motion carried.

15. OLD BUSINESS:

Mr. Davidson questioned the status of the zoning ordinance, sign ordinance, and property maintenance ordinance. Mr. Mlakar advised the Board that the property maintenance ordinance will be completed in October. In regards to the zoning ordinance, Mr. Mlakar needs to meeting with the Township Engineer, Township Manager and staff to finalize some items, and the ordinance should be completed Board's by late October or early November. Mr. Ferguson noted that they are also working on the subdivision and land development ordinance and it should be completed and ready for the Board's review in October.

16. NEW BUSINESS: None.

17. PROCLAMATIONS AND CERTIFICATES OF ACCOMPLISHMENT: None.

18. SUPERVISORS' COMMENTS:

- a. Mr. Weimer reminded the Board and residents of the following upcoming events in the Township: Fire Prevention Day on Tuesday, October 6th from 6:00 PM to 9:00 PM at Westmoreland Mall; Hempfield Area Homecoming Parade on Friday, October 9th at 6:00PM; and Halloween on Saturday, October 31, 2009 from 6:00 PM to 8:00 PM.
- b. Mr. John Silvis stated that Wednesday is Mr. Ferguson's six month anniversary, and he would like to commend Mr. Ferguson for the job he's doing. The first issue he walked into was the cat issue and the second issue was the storm. Anyways, Mr. Silvis wanted to thank Mr. Ferguson for his diligence and hard work. The six months went pretty fast. And Mr. Silvis also wanted to thank the staff. We're nine months into the year, and Mr. Silvis stated he commented to one of the Supervisors this afternoon, we got along good for three months and then Mr. Ferguson came on board and we're getting along a lot better. Mr. Silvis just wanted to publicly thank Mr. Ferguson for his hard work.

19. ADJOURNMENT:

Mr. Silvis adjourned the meeting at 8:05 P.M.

Chairman

Secretary