

HEMPFIELD TOWNSHIP BOARD OF SUPERVISORS
MONTHLY MEETING
JANUARY 22, 2018
7:00 PM

Supervisors Present: Mr. George Reese Mr. R. Douglas Weimer
 Mr. Rob Ritson Mr. Tom Logan
 Mr. John Silvis

Staff Present: Mr. Andrew Walz Mr. Dan Schmitt
 Mr. Jason Winters Mr. Doug Cisco
 Mr. Les Mlakar Mrs. Melanie Phillips
 Mr. Scott Avolio Mrs. Callie Krueger

1. CALL TO ORDER AND PLEDGE TO THE FLAG

The regularly scheduled Monthly Meeting of the Hempfield Township Board of Supervisors, held at the Hempfield Township Municipal Building, was called to order at 7:09 p.m. by Chairman, George Reese.

2. HEARINGS

a. Penneco Conditional Use Hearing

Mr. Les Mlakar – This is a public hearing for a Conditional Use for an outdoor advertising structure. The requirement for the Conditional Use Hearing is set forth in Section 87-153 of the Zoning Ordinance of the Township. For the record, I would like to put in that the subject property is zoned L-1. It bears tax map number 50-18-00-0-223 and is located on the west side of Arona Road, 2,100 feet north of marker T-54 of the Pennsylvania Turnpike. As required by the Pennsylvania Planning Code, the Township advertised the notice of the hearing for two consecutive weeks. It was advertised in the Tribune Review on January 8th, 2018 and January 15th, 2018. The proof of publication will be made part of the record. Also part of the record as required by the Pennsylvania Municipalities Planning Code, is an affidavit signed by Len Deller who is the Zoning Officer of the Township of Hempfield. His affidavit states that he posted the property as required on the 9th day of January, 2018. The notice is an affidavit showing, notifying anybody that surrounds the property of the public hearing, the time and date of the public hearing and the purpose of said public hearing that will be made part of the record. Third that's required by the Township Ordinance, Notice was mailed on the 9th day of January, 2018 to the abutting property owners within the distance required by the Hempfield Township Code also as part of the record is the application. The application for the Conditional Use is filed in the land owner's name: Black Diamond Bay Ventures of 35 West Pittsburgh Street Greensburg, PA. The Developer who proposes to install the outdoor advertising sign is Penneco Outdoor Advertising, with an address of 6608 Route 22, Delmont Pennsylvania. Also as part of the record is a Westmoreland County GIS Map, I believe the Board has gotten copies of the map, the overhead, showing the site location and that will be made part of the record. I will also explain to the Board that if you review section 187-153, there are certain requirements that the applicant must meet prior to the Conditional Use permit being granted. There were some requirements that the applicant requested a Variances before the Zoning Hearing Board. I have received communication from the Solicitor of the Zoning Hearing Board, Brenda Sebring that the following variances were granted at a public hearing, however, there has not yet been a written report

filed. There was a request for a variance for section 87-109 A of the Township Code and that deals with the flood plain area under the resource protection standards set forth in 87-109. There was a request to allow the billboard to be placed in the flood zone, A, which has no delineated flood elevation, that was granted by the board. The 2nd variance request is pursuant to section 87-153 A (1)(a) Outdoor Advertising Structures Shall not be Erected Within 500 Feet of the Boundary Line of any Suburban (SR) District, Corridor Residential (CR) District, or Village Residential (VR) District, or Within 500 Feet of any Public or Private School, Church, Cemetery. The 500 feet was to be measured along the radius of a circle from the center most point of the outdoor advertising sign. The subject property is located in a Industrial Zoning classification of L-1 and it's on the east side of the Pennsylvania Turnpike. The properties adjacent to the site are zoned Light Industrial. Properties directly west, on the west side of the turnpike are zoned Suburban Residential. The closest residential property is 350 to the west and there are six residential properties within the 500 foot radius. That request for a variance was granted and the Zoning Hearing Board eliminated the necessity of the requirement of meeting the 500 foot boundary. The next request that was made was to section 87-135(A)(1)(e) which is the minimum side yard and rear yard requirements applying to a principal structure in the zoning district. The property is located, as I said before, in an L-1, there is no existing structure to the south and the nearest structure to the north is approximately 640 feet away. The setback line is 50 feet from the 200 foot right of way from the Pennsylvania Turnpike and 150 feet from the Pennsylvania Turnpike centerline to the building line. The width of the property near the location of the sign is approximately 135 feet, leaving only about 35 feet of width for buildable area. The property contains .849 acres. After deducting the area of the 50 foot setbacks, there is only .147 acres of buildable area. The request was to wave the setback requirements and reduce it to ten feet. The variance was granted by the Zoning Hearing Board. The next was a request for a variance to section 87-153A(2) which was the Maximum Sign Height Shall Not Exceed 450 Square Feet. The request for the variance was to put a sign of 672 feet. That request was denied by the Zoning Hearing Board. The next request to section 87-153A(2)(b) which requires the maximum sign length shall not exceed 25 feet. There was a variance request to permit the sign length to be 48 lineal square feet. The Zoning Hearing Board granted that request for variance. So based upon that information, it is time for the applicant to come forth. Would anyone who is going to testify in this matter please stand and raise your right hand to be sworn, because this is a hearing. Do you all swear before All Mighty God, or affirm, that the testimony you're about to give in this matter is true and correct and so you shall answer on the last great day?

ALL- It is.

Mr. Mlakar – You'll have to identify yourself, sir.

J.R. Jameson – My name is J.R. Jameson and I am an employee of Penneco Outdoor Advertising. I am representing them here this evening to present the plan. I have copies of the plan I could give to you, I have five. Would the engineer like one?

Mr. Mlakar – This is the new, most recent plan?

Mr. Jameson – Yes.

Mr. Mlakar – We will mark that as applicant's Exhibit #1.

Mr. Jameson – What we are proposing is an outdoor advertising structure that is a 12 foot by 36 sign, two sided, "V" shaped. It does comply with all of the Conditional Uses. There are a couple of things I'd like to go through on the list. You can see the sign location is right here, which is the easterly side of the Pennsylvania Turnpike right-of-way. The only setback, according to the variance, the setback was the setback rear yard. We had that reduced to 10 feet. The other setbacks of 50 feet all remained the same, the front and the two sides. The closest property line to the north was approximately 112 feet which is the Simtec property, I believe they have a gymnastics operation in there right now. To the south, it is approximately 115 feet. That property is owned by the Pennsylvania Turnpike Commission and is vacant. There is nothing built on this property at this time. As you can see the red, it says the zone A approximate [...] The entire buildable area of this

parcel is within the flood line. With our sign, we would be constructing one 36 inch diameter pole, in the ground. It will not interfere with the actual flood plain or any construction. Do you want me to go through the individual Conditional Use items?

Mr. Mlakar – Yes please. We know that you were granted a variance to 87-153(A)(1)(a) so that's been addressed, then it's b.

Mr. Jameson – under the L-1 and the Conditional Uses under the 87-153, the first, as he stated (A)(1)(a) was granted the variance and that was from the Suburban Residential. The Suburban Residential boundary line is on the other side of the Pennsylvania Turnpike. This is actually the zoning line, however, there were 6 houses up at a higher elevation in a plan that were within the 500 foot radius. Other than that there were no residential homes within the area. The next item would be (b) under (A). It is Interstate Limited Access Highways Outdoor Advertising Structures Shall not be Erected in 500 feet of an Interchange. Our sign is located at approximately mile marker 68.75. The Irwin interchange is 67.55 which is approximately 1.2 miles away. That would be the closest interchange. (c) is Outdoor Advertising Lateral Spacing of 1,000 Feet. The closest sign is toward the Irwin interchange and it is 2,390 feet. So we would comply with that. (d) No Outdoor Advertising Structure shall be Located Closer to 10 Feet to any Public Right-of-Way. You can see on the drawing we do maintain the 10 feet as required from the Pennsylvania Turnpike right-of-way. (e) was the side yard which we were granted, the variance, again only on the rear yard setback. We did not request for the two side yards or the front yard setback from Arona Road. (f) No Outdoor Advertising Structure shall be Erected in Such a Manner as to Block the View from the Road or Street of any Existing Businesses Advertising Signs, whatever they might have. Again, the building to the north was Simtec, our property is 112 feet plus the distance to the building which is treed and vegetated. There are no signs that we would be obstructing. No Outdoor Advertising shall be Constructed within the Clear Site Triangle of any Public Street, again with the placement of the sign and the "V" it's visible from the Pennsylvania Turnpike only, it's not visible from Arona Road. It has no adverse effects on any intersections in the area. (h) No Outdoor Advertising Structure shall be Erected on any Sidewalk or Public Right-of-Way. Again, we are complying with that. Outdoor Advertising Structures shall not be Part of a Roof or a Wall. They shall not be mounted to the roof [...]. There are no buildings on this property at this time. It will be a freestanding single pole which complies with the Conditional Use. The size and height outdoor advertising structure shall have a maximum allowable gross surface area of 450 square feet per sign face. We do comply with that. Our sign will not exceed 12 foot 6 by 36. The dimensions of the gross, this was item B, we did get a Variance on this from the board. The dimensions of the gross surface area shall not exceed 20 feet in total height or 25 feet in total length. Our total length of our board will be 36 feet, which we did receive a Variance for, but again height will be 12 foot 6. We did not request a variance for that. An outdoor advertising structure shall have a maximum height above the surface of a roadway from which it's intended to be viewed at 40 feet. We will place the sign not to exceed 40 feet in height above the center lane of the three lanes which are going west bound. We will establish that elevation. Our sign will not exceed that, there are three lanes, there's an elevation difference from one to the other but I'm sure it's minimal. I would set it so that we would be no more than 40 feet from the center of the three lanes.

Mr. Mlakar – Could you address 2A, please?

Mr. Jameson – Outdoor Advertising Structure shall have no more than two sign faces for advertising. It's a "V" shaped, what we have, and it's approximately a 15 degree "V". We will have two faces, one eastbound, one westbound. Construction methods.

Mr. Mlakar – that would be subject to the Uniform Construction Code, so you would have to get a permit for that, so you don't have to address the construction and/or the maintenance. That's after, if a permit is issued.

Mr. Jameson – I can just say that all of our drawings comply, I have stamped, engineered drawings if you would want a copy of it. It all complies with International Building Code 2012-2015 Edition.

And the requirement for the 100 mile per hour wind, these are actually designed for 115. So we will comply with all of that for the building.

Mr. Mlakar – anything further sir?

Mr. Jameson – any questions?

Mr. Mlakar – Does the board have any questions?

Mr. Logan – Will this be a digital billboard?

Mr. Jameson – No. It is a static board, vinyl face.

Mr. Logan – static board, okay.

Mr. Weimer – Can you explain the, you said there was a variance on the rear that the zoning requires 50 feet but you have 10 feet, so where is the rear? What are you considering the rear?

Mr. Jameson – the rear would be right along the Pennsylvania Turnpike, at this point right here.

Mr. Weimer – That's considered the rear of your property then.

Mr. Jameson – Correct. In fact, the front of the property would be along Arona Road. The rear would be to the west, along the Pennsylvania Turnpike. If you look, if you see the map, because of the topography, you can see the contours that is the ideal place to build it. We are marketing to the Pennsylvania Turnpike.

Mr. Weimer – Okay, then you mentioned that there are residents that lived in the other zone. Is that what says Zone X on here?

Mr. Jameson – No, the Zone X is actually the flood plain. The Greenridge, if you look all the way over here to the left, Greenridge Plan of Lots, the actual boundary to the zoning is 210 feet but these residents are up on the hill in the plan and again the closest resident, residential unit is approximately 350 feet. There are only six houses, they were all notified.

Mr. Weimer – There were only six houses within 500 feet?

Mr. Jameson – That's correct.

Mr. Ritson – I just wanted to clarify something, getting back into the groove here, this is for the use, they would have to come back in for a site plan and a land development.

Mr. Mlakar – Correct.

Mr. Ritson – because there is a stream crossing and entry way.

Mr. Silvis – Isn't there already a sign as you exit the turnpike?

Mr. Jameson – A sign as you exit the turnpike?

Mr. Silvis – Yes, as you're coming off the turnpike as you're going north or south on 119. Isn't there already a sign there?

Mr. Jameson – I don't follow.

Mr. Schmitt – This is closer to Irwin.

Mr. Jameson – This is right near the Irwin interchange.

Mr. Mlakar – Yeah, they, our ordinance requires 1,000 foot spacing and he testified that it was 1 and a half miles to the nearest sign.

Mr. Silvis – How many do you have in Hempfield?

Mr. Jameson – We don't have any signs in Hempfield at this time.

Mr. Silvis – You do not.

Mr. Jameson – No. The zoning for signs for Hempfield is very limited area. We do have three signs in New Stanton Borough, two in the Irwin and New Stanton Interchange, we have three, actually four more signs between New Stanton and Bedford all along the Pennsylvania Turnpike. We are a local business, we have 29 signs with about 100 faces that we market in southwestern Pennsylvania.

Mr. Weimer – Did you say that you had three variances or two? How many variances did you have granted from the ZHB?

Mr. Mlakar – They asked for five, they got four.

Mr. Weimer – They got four.

Mr. Mlakar – The first one was the flood plain.

Mr. Weimer – oh that was it, the flood plain. I knew about the 50 feet to 10 feet and the one that you said about the length of the sign, that's three, so what's the other two?

Mr. Jameson – SR Residential.

Mr. Weimer – one more.

Mr. Mlakar – Mr. Weimer, they received a variance on a section of our ordinance deals with Resource Protection and it has to deal with the flood plain and they requested a variance to section 87-109(A) of the Ordinance, they got that variance. Then, the 500 foot boundary line of an SR, which is the section we are dealing with, that variance was granted. The third variance was the minimum rear yard setback that they requested the ten feet, that was granted they had made a request for a 672 square foot sign, that variance was denied. So they are limited to the 450 square feet. And they had asked for a variance to the maximum sign height which our ordinance permits 25 feet, they requested a variance of 48, that was granted. So, four of the five variances were granted by the Zoning Hearing Board.

Mr. Jameson – actually

Mr. Weimer – It was length, right?

Mr. Jameson – Yeah, it was length.

Mr. Mlakar – What did I say, height? Length, sorry.

Mr. Weimer – Thank you.

Mr. Mlakar – Anything further, sir? Do you have any, does the applicant have any other witnesses?

Mr. Jameson – I think at this time we are good.

Mr. Mlakar – Alright, we'll start in the audience, first row, anyone who wants to come up and testify, my right, first row of the right? Second row? Third row? Fourth row? We'll start from this side. Please give your name and address and where you are, where you're located with respect to the request.

John Reott – Hello, my name is John Reott, I'm one of the six that are affected. My address is 4230 Stratford Drive. I feel that this is going to hurt the value of my home. I have a deck and going off my deck to enjoy an evening out on my deck, to look out and see this billboard out there, I feel is going to be an eyesore. I believe that it will definitely affect the value of my home. Thank you.

Mr. Mlakar – Next person in that row?

Mike Skrgic – Good evening, Mike Skrgic. We are in the said property right on the turnaround that he's talking about, 4236 Stratford Drive, we are two doors up from John. Not only is that sign going to make a lot of light in our backyard and lower the value, but also there's a right of way that's going right behind all of our yards down there that has the pipeline going through it which they took out the trees so that's not even going to be able to block anything. Not to mention it's going to be 40 foot high. I know the sign is supposed to be certain size, but they're going to raise it to 40 foot high, and I don't know, I haven't done the things 'cause I haven't done the measurements but it's not going to be that much further up from where they are. We're on the hill, yes, but when you have that across the highway over there at 40 feet high that's coming up by the big X and not only that he did say there was going to be a "V", 15 degree angles? So you're going to be turning this way, covering more people this way and that way, if it were straight it wouldn't be as bad but it's going to be throwing the light this way. So I think it's going to affect more than six households here, I don't care what you guys say. I know it's 500 feet but it's going to be more than six households that are going to be affected by the light. So I would urge the Board to please deny this. There are properties, there is nothing down ½ a mile down the road, across either side, down Beeno Road. I don't know why the sign can't be there. Why does it have to be across a Residential area? Thank you.

Mr. Mlakar – Thank you sir. Next in that row? Anyone else?

Craig Martinelli – 116 Eisaman Road. My property abuts the turnpike and is directly part of that right-of-way Mr. Skrgic was talking about. So this sign, being illuminated, which hasn't been mentioned, I don't believe, is going to affect my property, my backyard probably even my privacy if those things will be illuminated. I would strongly recommend that our Board of Supervisors turns it

down flat. It's just not in the public's best interest. It's going to affect everyone, not just the first six houses on Stratford Drive there. It's going to affect other homes. We didn't know it was two sided until tonight, when I went to the Planning Commission meeting, they never mentioned it was going to be two sided. So we are asking you to turn it down. Down the turnpike further where it's farmland so to speak, I don't know that the cows would be upset by the light, but people will. Thank you.

Mr. Mlakar – anyone else in that row? Anyone else back there? Start on this side. Anyone in the first row? Sir, would you address the lighting issue please?

Mr. Jameson – Yes I will. I only have three copies of this, this actually shows

Mr. Mlakar – We'll mark this as applicant's Exhibit 2.

Mr. Jameson – Where the sign is located in reference to the homes across the turnpike. This actually is, this is taken a little further south and shows all the buildings.

Mr. Mlakar – Could you also address the lighting issue?

Mr. Jameson – Yes. As you can see, across the turnpike from the residential, is all industrial buildings, all parking lots, at this time. The lights are on 24/7, to the best of my knowledge. Our sign will comply with the ordinance that it will be off between 12 and 5 a.m. We do have to comply with that. As far as the actual lighting on the sign, the conditional use as far as the sign, we are not allowed to have more than 1.5 candlelooms on any adjoining property. So what that is equal to is one loom is one candle. Our sign we had some engineering done on it, we will meet the requirements set forth within the conditional use when we are 38 feet from the sign, we will comply with the lighting requirements that are set in Hempfield's Conditional Use.

Mr. Mlakar – We'll mark that, is that your, would you identify what that is sir?

Mr. Jameson – This is an engineering drawing from our manufacturer.

Mr. Mlakar – Okay, we'll mark that Applicant's Exhibit #3. I'll need those back to make them part of the file.

Mr. Jameson – What this does is show, basically if you take a big mushroom around the entire sign within 38 feet we will comply with the existing ordinances.

Mr. Mlakar – Thank you. Does the Board have any questions on that? Does that Board have any questions of anyone who testified? Any of the property owners?

Mr. Jameson – When you compare the lighting on the sign, and I understand the right of way, and there is a gas line, across the turnpike, does affect the neighbor, the average car headlight is 700 looms, high beams is 1200. We're not even close to that. Again, all the people and residents were notified and had an opportunity to speak during the Zoning and they did not. We could have addressed some of these things at that time.

Mr. Mlakar – Thank you.

Mr. Ritson – I do have one question, so you said nobody testified at the Zoning Hearing Board Hearing?

Mr. Jameson – Only the one gentleman. The residents that are on the hill, no. The other six residents. We, in summary, we can comply with all of the Conditional Use requirements in your ordinances.

Mr. Reese – So when you say that six, you take it from the cul-de-sac and down the street? Is that where you come up with the six?

Mr. Jameson – It was a radius from the center of the sign is what was required.

Mr. Ritson – If you had to, if you did not get the 10, the variance for the rear setback, would all those houses still be in that radius?

Mr. Jameson – Yes. We might lose one, but they are considerably higher elevation also. You have six lanes, you have the right-of-way. You have vegetation and then you have the new brick wall, stone wall they built on the west side of the turnpike and these houses are considerably higher.

Mr. Mlakar – Any other questions from the Board?

Mr. Reese – What is the elevation difference from your sign bottom to the cul-de-sac?

Mr. Jameson – I do not believe that I have that on me, let me look. We don't have enough topography on the other side of the Pennsylvania Turnpike to provide that information at this moment.

Mr. Logan – Do you know the date that this aerial photo was taken?

Mr. Jameson – I do not.

Mr. Logan – because it does not reflect the six lanes of traffic on the turnpike nor does it reflect probably some excavation that has been done thereafter.

Mr. Mlakar – This one does, this is one that was part of the record.

Mr. Logan – Let me see that.

Mr. Weimer – Excavation on their side?

Mr. Logan – No, so, there was excavation done along this, there were some trees that were removed.

Mr. Weimer – Oh okay.

Mr. Jameson – The [...] we have are what were available.

Mr. Reese – So how far does your sign sit off the ground again?

Mr. Jameson – off of the ground itself?

Mr. Reese – off of the ground itself.

Mr. Jameson – The elevation, from where we are proposing the sign is about 2-3 feet below the turnpike, approximately

Mr. Logan – No. Okay. The base.

Mr. Jameson – The base, correct. We will comply with the maximum of 40 feet above the readable roadway, which is the Pennsylvania Turnpike. To find the exact elevation, has not been determined.

Mr. Logan – So the topo map wasn't continued out into the existing adjoining properties on this map?

Mr. Jameson – It was not, sir.

Mr. Silvis – Who is the property owner?

Mr. Jameson – The property owner is Black Diamond. They've owned this property for some time. We have a purchase agreement option. We are going to purchase the property, we will own it outright.

Mr. Silvis – How big is the property?

Mr. Jameson - .849

Mr. Silvis – almost an acre.

Mr. Jameson – Again, the property is not useful. And in regards to the comments of, you know, there is rural area, further to the east, but it is zoned Agricultural, which does not allow for Outdoor Advertising structures.

Mr. Mlakar – Does the Board have any further questions?

Mr. Reese – I have none. Anybody else?

Mr. Martinelli – May I respond to a few of the things that he's mentioned?

Mr. Mlakar – Yes.

Mr. Martinelli – Craig Martinelli, in regards to the planning meeting, the gentleman had mentioned that I was the only one that attended. I had gone and talked to the six property owners.

Mr. Mlakar – You can't say, you can't testify to what you told other people, just what your personal knowledge is. It's hearsay what other people told you.

Mr. Ritson – I get what you're saying though, so you're okay.

Mr. Martinelli – lets put it this way, six people, you've got two property owners here, what's that 33%? How's that? Thank you.

Mr. Logan – One question for you Craig.

Mr. Martinelli – Sure.

Mr. Logan – Would you happen to know the elevation of your house?

Mr. Martinelli – I don't, Tom. No.

Mr. Logan – That's fine.

Mr. Mlakar – Okay there will be no further testimony.

Mr. Reese – Where's his, where's Craig's house?

Mr. Logan – Right here. He's south of the cul-de-sac.

Mr. Reese – Alright. Thank you.

Mr. Mlakar – Being there's no further testimony the hearing will be closed. Under the Pennsylvania Municipalities Planning Code, the Board can, has 45 days to render a decision from tonight's hearing. You can, however, take action, if you so choose tonight. It would be subject to the Solicitor preparing a written report with findings of fact and conclusions of law. Some of the issues, the issue that's been addressed, under Pennsylvania Law, on a conditional use, if the applicant meets the requirements of the ordinance, unless you can show that there is some substantial effect upon the health, safety, and welfare of the community, and there's been no real testimony to that, you may be able to deny it. The issues that were raised about the distance and the variances that were granted, they were granted by the Zoning Hearing Board. The Zoning Hearing Board has not yet rendered a written decision and once a written decision is rendered then any aggrieved property owner has thirty days from which to file an appeal. So, if you are going to grant the conditional use permit, it would still be conditioned upon the final determination by the Zoning Hearing Board and any, obviously, subsequent appeals. But the Zoning Hearing Board has made the determination that these variances should be granted to those sections about distance etcetera. So that's not frankly in your purview right now. They've taken that, that's the way the zoning law is set up. They've made that decision. An appeal can be taken from them. By the property owners or the Board if you so choose but you have to, since there's been no written decision, there's nothing to appeal from yet. So I don't know when that written decision, they had 45 days from, I forget when they had the hearing, to render the decision, otherwise it would be deemed approved on the variance requests. So it's up to the Board what you want to do. If you want to discuss any legal issues in executive session we can do that right now.

Mr. Ritson – did the Zoning Hearing Board give their verbal approval?

Mr. Mlakar – Yes, but it has to be in writing.

Mr. Ritson – I understand, I just was curious.

Mr. Mlakar – I read off, I spoke to Mrs. Sebring, the Solicitor, she sent me the request and told me the variances that were granted at the hearing.

Mr. Ritson – We have 45 days?

Mr. Mlakar – From today.

Mr. Ritson – Do we have an anticipated date of when the Zoning Hearing Board is going to give their written decision?

Mr. Mlakar – It's my understanding from Mrs. Sebring she has basically completed the decision, she has to proofread it, she has a family issue, her mother is very ill, and she's out of state, but she did tell me she would get it ready to be filed within the appropriate period of time. If 45 days have elapsed and there hasn't been a waiver, the decision is deemed approved, and as I said, somebody can appeal that from the date of the deemed approval. I mean, if you granted the permit, it would have to be conditioned upon the Zoning Hearing Board's approval and the applicable appeal period because somebody can appeal within thirty days after the date of the written decision.

Mr. Reese – Thoughts? Mr. Weimer?

Mr. Logan – I make a motion to table this until we get a written decision from the Zoning Hearing Board.

Mr. Silvis – I'll second that.

Mr. Reese – Motion is made and seconded. All in favor to table?

Mr. Logan – I

Mr. Weimer – I

Mr. Silvis – I

Mr. Ritson – I

Mr. Reese – I

Mr. Martinelli – I do have one question, if I may. It does have to do with the decision being [...] by the Planning Commission.

Mr. Mlakar – That was the Zoning Hearing Board.

Mr. Martinelli – The Zoning Hearing Board. How does that notice, does it get posted on a billboard?

Mr. Mlakar – If you appeared and asked to be a party and asked to be provided with a copy of the decision, they have to give it to you? You can make a written request to the township, to the Zoning Hearing Board or to the Township Code Officer for you to get a copy of the decision as soon as it's [...]

Mr. Martinelli – I have to get in touch with the Township Zoning Hearing Board?

Mr. Walz – He can send it to me.

Mr. Ritson – I was going to say, since their names and addresses are listed in the hearing today, can we ensure they get a copy of the decision?

Mr. Mlakar – Yes we can do that.

Mr. Ritson – Thanks, Mr. Solicitor for coming to join us today, I appreciate the effort. It was a lot longer than you thought it was going to be.

HEARING CLOSED

MR. SCOTT AVOLIO JOINED THE MEETING, MR. LES MLAKER LEFT THE MEETING

Mr. Walz added an item to the agenda: item “M” under “Items for Action” Consideration of a Motion to Accept the Resignation of Bill Bretz from the Township Auditor’s Board.

Mr. Ritson added an item to the agenda: item “N” under “Items for Action” Motion to Authorize the Township Manager to Coordinate a Joint Meeting with the School Board to Discuss Potential Joint Projects.

3. CITIZENS COMMENTS (As Per Resolution #2012-24)

1. Greg Saunders – 318 Price Street. Mr. Saunders read a letter (see attached) to the Board of Supervisors and Staff regarding the purchase of a fire truck for Bovard VFD.
2. Alfred Ciarimboli – 121 Possum Hollow Road. Mr. Ciarimboli asked for a larger sign or signs on the cemetery side of the road to keep trucks from going on the road. He also mentioned sulfur wells on Columbia Gas property and would like the township to make a park or reserve on the 200 acres of the Monsour property.
3. Richard Goga - 3348 Rt. 130, owns 891 Greengate Rd., the new Aroma Joe’s location. Mr. Goga has concerns regarding the ingress and egress for the new proposed FMC Greengate site which will be located next door to 891 Greengate Rd. Mr. Goga was encouraged by staff to visit the township building to view the plans in order to see where the ingress and egress will be located.

4. EXECUTIVE SESSIONS

Mr. Reese stated that there was an executive session held on January 10, 2018 and on January 17, 2018 for personnel matters.

5. APPROVAL OF MINUTES –

- a. **Work Session/Supervisors Monthly Meeting – December 20, 2017**
- b. **Supervisors Reorganization Meeting – January 2, 2018**

Mr. Ritson made a motion, seconded by Mr. Logan to approve the meeting minutes from December 20, 2017 and January 2, 2018. Vote: 5-0. Motion carried.

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

Andrew Walz, Township Manager – Mentioned that he reached out the Superintendent of the School District and she was passing along information to the Board. Also, a letter was sent to MAWC regarding the status of projects in exhibit D. Mr. Winters began to review and establish meetings with the 4 firms that replied to the IT RFP, information will be available in February for the Board. The Bureau of Fire has restarted, meetings are scheduled for February 6th and February 15th.

Jason Winters, Parks and Recreation – Winter programming has started. Mr. Winters reported that the basketball program has more participants this year than last year and facility rentals are also up. A new programming coordinator has started and is planning summer and fall.

Doug Cisco, Public Works – Mr. Cisco replied to Mr. Ciarimboli's remarks, there are signs on the cemetery end, and he will verify that they are still there. The department has been out 17 times this year, 2400 tons of salt are in stock, 800 tons are still due to arrive. Flagstaff area residents will be receiving letters regarding plans for the project, the plans are still under review.

Melanie Phillips, Finance – Reported that the final Accounts Payable has been finished for the year and the Township will end up at about 96% of budget for expenses, \$500,000 under budget. However, revenues are at 98% projection, about \$224,000 short. The auditors have been scheduled for the end of February and beginning of March. Final numbers will be available in February.

Scott Avolio, Solicitor – Mr. Avolio notified the board that there would be an Executive Session held after the public meeting for a personnel matter as well as a new litigation matter.

Dan Schmitt, Engineer – Mr. Schmitt reported the Township is in the process of acquiring temporary easements from the residents in the Holly/Redgrave area to replace the two culverts in that neighborhood in the spring. CDBG grant was received from the County to make the restrooms at the municipal building and at the athletic complex ADA accessible.

7. TREASURER'S REPORT

Mr. Logan stated that Melanie Phillips gave the report at the Work Session.

8. PAYMENT OF BILLS –

- a. **General Fund--\$576,734.67**
- b. **Light District Account--\$5,676.95**
- c. **Pop Fund--\$932.00**
- d. **Liquid Fuel Fund--\$89,700.00**
- e. **Carbon VFD--\$7,094.38**
- f. **Recreation Account--\$200.00**

Mr. Logan made a motion, seconded by Mr. Ritson to approve the payment of (a.) General Fund, (b.) Light District Account, (c.) Pop Fund, (d.) Liquid Fuel Fund, and (f.) Recreation Account. Vote: 5-0. Motion carried.

Mr. Logan made a motion, seconded by Mr. Silvis, to approve the payment of (e.) Carbon VFD. Vote: 4-0-1 abstain (Reese).

9. SCHEDULING OF HEARINGS –

- a. **Schedule Zone Change Hearing for Verdant Holding LLC at Former SCI Greensburg Site to be held on February 26, 2018** – Mr. Logan made a motion, seconded by Mr. Reese to schedule the Zone Change Hearing for Verdant Holding LLC for February 26, 2018. Vote: 5-0. Motion carried.

10. DECISIONS FOR HEARINGS - NONE

11. SUBDIVISION PLANS –

- a. Consideration to Approve Resolution No. 2018-29; Granting Final Conditional Approval to Subdivision Known as Harrold-Harrold-Rudolph Hartwig Plan No. 2 (Formerly known as the Lunn Plan) Plan No. 20170777 – Purpose: Elimination of Non-Building Declaration on Tax Map #50-29-00-0-019 and removal of land hook attaching it to land now owned by Joshua Beckwith – Planning Commission Vote: 5-0 – Mr. Logan made a motion, seconded by Mr. Ritson to grant Final Conditional Approval to Resolution No. 2018-29. Vote: 5-0. Motion carried.**
- b. Consideration to Approve Resolution No. 2018-30; Granting Final Approval to the Subdivision Plan Known as Sisters of Charity Regina/Bayley House Subdivision – Plan No. 20170779 – Purpose: To subdivide approximately 4 acres along Mt. Thor Road which includes the Regina House and Bayley House from the Sisters of Charity Property Planning Commission Vote: 5-0 – Mr. Logan made a motion, seconded by Mr. Reese, to grant Final Approval to Plan No. 20170779. Vote: 5-0. Motion carried.**

12. SITE PLANS –

- a. Consideration to Approve Resolution No. 2018-31; Granting Final Conditional Site Plan Approval for the Proposed ARCO Building Addition – Plan No. 20170790 – Purpose: Construct addition to existing building including storm water detention systems, etc. Planning Commission Vote: 5-0 – Mr. Logan made a motion, seconded by Mr. Ritson to Approve Resolution No. 2018-31. Vote: 5-0. Motion carried.**
- b. Consideration to Approve Resolution No. 2018-32; Granting Final Site Plan Approval for Landprise Realty, LLC for the Proposed Construction of a Canopy for the Parking of Work Vehicles Site Plan – Plan No. 20170776 – Purpose: Construction of a 9,600-sf canopy for the parking of work vehicles – Planning Commission Vote: 5-0 – Mr. Logan made a motion, seconded by Mr. Reese to Grant Final Site Plan Approval to Plan No. 20170776. Vote: 5-0. Motion carried.**
- c. Consideration to Approve Resolution No. 2018-33; Granting Final Conditional Site Plan Approval for the Proposed Millcraft Hotel – Plan No. 20170788 – Purpose: Hotel, including associated parking, utilities, subsurface storm water management system and retaining walls – Planning Commission Vote: 5-0 – Mr. Ritson made a motion, seconded by Mr. Reese to grant Final Conditional Site Plan Approval for Plan No. 20170788. Vote 4-1 (Logan). Motion carried.**

13. ITEMS FOR ACTION TO BE TAKEN

- a. Consideration to Approve Resolution No. 2018-34; Approving the Planning Module for Allegheny Health Network Medical Office Building, Tax Map #50-14-00-0-054 – Mr. Logan made a motion, seconded by Mr. Reese to Approve Resolution No. 2018-34. Vote: 5-0. Motion carried.**
- b. Consideration to Approve Resolution No. 2018-35; Approving the Planning Module for Harrold, Harrold, Rudolph-Hartwig Plan No. 2 – Mr. Ritson made a motion, seconded by Mr. Logan to Approve Resolution No. 2018-35. Vote: 5-0. Motion carried.**

- c. **Consideration of a Motion Authorizing the Township Manager to Create and Advertise a Bid Specification for the Amphitheater Project at Hempfield Park** – Mr. Logan made a motion to Authorize the Township Manager to Create and Advertise a Bid Specification for the Amphitheater Project at Hempfield Park by Sub-Category and as a Whole Project, seconded by Mr. Weimer. Vote: 5-0. Motion carried.
- d. **Consideration of a Motion Authorizing Township Solicitor to Settle Tax Settlement Appeals**
 - i. **6172 and 6173 with Black Sapphire C GBG Inc of 2015 and;**
 - ii. **5124 with Greensburg Care Center of 2015**

Mr. Logan made a motion, seconded by Mr. Reese to Authorize the Township Solicitor to Settle Tax Settlement Appeals as listed above. Vote: 5-0. Motion carried.
- e. **Consideration of a Motion to Award Contract for OPEB Fund and Defined Pension Plan to First National Bank of PA** – Mr. Logan made a motion, seconded by Mr. Silvis to Award Contract for OPEB Fund and Defined Pension Plan to First National Bank of PA. Vote: 4-0-1 abstain (Ritson).
- f. **Consideration of a Motion to Appoint a Member to the SAFER Committee – Justin Shawley, 130 Pride Drive, Rostraver Township, PA 15012** – Mr. Reese made a motion, seconded by Mr. Logan to Appoint Justin Shawley of Rostraver Township as a member of the SAFER Committee. Vote: 5-0. Motion carried.
- g. **Consideration of a Motion to Enter into an Employment Agreement with Bruce Beitel to Serve as the Safer Grant Coordinator, Contingent Upon His Resignation as Director of Public Safety** – Mr. Ritson made a motion, seconded by Mr. Reese to Enter into an Employment Agreement with Bruce Beitel to Serve as the Safer Grant Coordinator, contingent upon his resignation as Director of Public Safety. Vote: 4-1 (Weimer). Motion carried.
- h. **Consideration of a Motion to Accept the Resignation of Bruce Beitel as Public Safety Director** – Mr. Ritson made a motion, seconded by Mr. Reese to Accept the Resignation of Bruce Beitel as Public Safety Director. Vote: 5-0. Motion carried.
- i. **Consideration of a Motion to Authorize the Secretary to Prepare a Job Description and Advertise for the Director of Public Safety Position** – Mr. Reese made a motion, seconded by Mr. Ritson to Authorize the Secretary to Prepare a Job Description and Advertise for the Director of Public Safety Position. Vote: 5-0. Motion carried.
- j. **Consideration of a Motion to Enter into an Agreement with Westmoreland County Community College for SAFER Grant Project Coordination and Liaison Activities for the Period of November 25, 2017 – November 24, 2021** – Mr. Logan made a motion, seconded by Mr. Ritson to Enter into an Agreement with Westmoreland County Community College for the SAFER Grant Project Coordination and Liaison Activities for the Period of November 25, 2017 – November 24, 2021. Vote: 4-0-1 abstain (Weimer).
- k. **Consideration to Award 2018 Yearly Tire Bids. The Following Bids Were Received and Opened on January 16, 2018:**

Company	Bid Amount
<u>Goodyear Tire & Rubber Co.</u> Township Fire & ER	\$9,700.93 – Did not bid on all \$3,831.00

<u>Latrobe Tire & Service Inc.</u>	
Township	\$18,499.33
Fire & ER	\$8,641.28
<u>K & R Tire – Lowest responsible bidder</u>	
Township	\$10,564.00
Fire & ER	\$3,539.54

Mr. Logan made a motion, seconded by Mr. Ritson to Award the 2018 Yearly Tire Bids to K&R Tire. Vote: 5-0. Motion carried.

- l. Consideration to Approve the Purchase of One (1) 2019 Peterbilt, Model 348 Single Axle Dump Truck**
 - i. Cab & Chassis – Hunter Truck Sales - \$95,576.00**
 - ii. Upfit – Walsh Equipment - \$68,985.00**
 - 1. Hydraulic Dump Bodies**
 - 2. Built-In Brine Tank**
 - 3. Spreader and Plow Systems**

Mr. Ritson made a motion, seconded by Mr. Weimer, to Approve the Purchase of One 2019 Peterbilt, Model 348 Single Axle Dump Truck as listed above. Vote: 5-0. Motion carried.

- m. Consideration of a Motion to Accept the Resignation of Bill Bretz from the Hempfield Township Auditor’s Board for the Term that will Expire in Six Years –** Mr. Ritson made a motion, seconded by Mr. Logan to Accept the Resignation of Bill Bretz from the Hempfield Township Auditor’s Board and for the Township Manager to Post that Vacancy for the Auditor’s Board to see if there is Interest. Vote: 5-0. Motion carried.
- n. Consideration to Authorize the Township Manager to Coordinate Joint Meeting with Hempfield Area School Board for the Purpose of Discussion of Potential Joint Project –** Mr. Logan made a motion, seconded by Mr. Ritson, to authorize the Township Manager to coordinate a joint meeting with the Hempfield Area School Board for the purpose of discussion of potential joint project. Vote: 5-0. Motion carried.

14. OLD BUSINESS

- a. Consideration to Approve Resolution No. 2017-122; Awarding Contract for Polyethylene Type Pipe to Chemung Supply (Chosen from a hat at the work session) –** Mr. Logan made a motion, seconded by Mr. Ritson to Approve Resolution No. 2017-122. Vote: 5-0. Motion carried.
- b. Consideration to Approve Resolution No. 2018-19, Which Appoints a Member to the Hempfield Township Planning Commission to Fill the Unexpired Term of Bill Bretz –** Mr. Logan made a motion to Appoint Bill Bretz to fill his unexpired term on the Planning Commission, seconded by Mr. Silvis. Vote: 5-0. Motion carried.
- c. Consideration to Approve Resolution No. 2018-20, Which Appoints a Member to the Hempfield Township Planning Commission –** Mr. Weimer made a motion to reappoint Mr. Bill Utzman to the Planning Commission, seconded by Mr. Logan. Vote: 5-0. Motion carried.
- d. Consideration to Approve Resolution No. 2018-21, Which Appoints a Member to the Hempfield Township Planning Commission –** Mr. Weimer made a motion, seconded by Mr. Ritson to table Resolution No. 2018-21. Vote: 5-0. Motion carried.

15. NEW BUSINESS - NONE

16. PROCLAMATIONS - NONE

17. SUPERVISORS' COMMENTS

Mr. Silvis noted that he appreciated the recommendation from Mr. Saunders on the fire truck and suggested that a monthly report is given to the Supervisors for the fire stations. The other members of the Board reminded Mr. Silvis that there are incident reports that are part of the Supervisors Packets that they receive.

Mr. Weimer thanked the members of the Volunteer Fire Service for their hard work and services to our community.

Mr. Ritson stated that they are on the right path to put a plan together and he is excited to be a part of a good group. He asked for a little patience and a little faith as things move forward with a bigger and better plan for the Bureau of Fire.

Mr. Reese commented on an email from Chief Kline regarding the involvement of the Chiefs Association and said that he will be more than happy to set a meeting up with the Board of Supervisors and the Chiefs Association.

18. ADJOURNMENT

The Regularly Scheduled Monthly Meeting of the Hempfield Township Board of Supervisors, held at the Hempfield Township Municipal Building, was adjourned at 8:55 p.m. with a motion made by Chairman Mr. George Reese and seconded by Mr. Rob Ritson.

CHAIRMAN

SECRETARY