

HEMPFIELD TOWNSHIP BOARD OF SUPERVISORS
MONTHLY MEETING
NOVEMBER 27, 2018
7:00 PM

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

Staff Present: Mr. Douglas Cisco Mr. Dan Schmitt
 Mr. Aaron Siko Mr. Jamie Shaw
 Mr. Patrick Karnash Mr. Zachary Freeman
 Mrs. Melanie Phillips Mr. Anthony Kovacic
 Mr. Scott Avolio Mrs. Callie Krueger

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The regularly scheduled Monthly Meeting of the Hempfield Township Board of Supervisors, held at the Hempfield Township Municipal Building, was called to order at 7:02 p.m. by Chairman, George Reese.

2. APPOINTMENT OF ASSISTANT TOWNSHIP MANAGER

- a. Consideration to Appoint Melanie Phillips, Finance Director, as the Assistant Township Manager at a Stipend of \$5,000 Per Year** – Mr. Logan made a motion, seconded by Mr. Ritson to appoint Melanie Phillips as the Assistant Township Manager at a Stipend of \$5,000 per year. Vote: 5-0. Motion carried.

3. HEARINGS

a. Cable Franchise Renewal with Comcast

Melanie Phillips – Thank you Mr. Chairman, Good Evening. This is a public hearing of Township of Hempfield regarding Cable Franchise Renewal with Comcast. This public hearing is held pursuant to Section 626 of the Federal Cable Act which sets forth the process for cable franchise renewal. Comcast currently has cable franchise agreement with the Township. The franchise with the municipality will expire on December 31st, 2020. Comcast had requested a renewal of this franchise. This public hearing is part of the preliminary portion of franchise renewal in which the municipalities review the cable operators past performance and identify the municipality's future cable related community needs. As such, we invite comments from citizens who wish to speak regarding either or both of these subjects. We have with us tonight, Joel Winston from Cohen Law who is here to answer any questions, legal questions that anyone may have. Franchise renewal is the best opportunity for municipalities to assert their rights with respect to the cable operators and to obtain important benefits in return for granting cable operators the right to use their public rights-of-way. These benefits include, but are not limited to, state of the art cable systems, strong customer service standards, free services in community facilities, better reporting from the cable operators, franchise fees for use of public rights-of-way, franchise fees accountability, legal protections of the rights-of-way, educational and governmental channels, and better mechanisms to enforce the franchise agreements. These are just some of the potential benefits available through

franchise renewal. Citizens may address these items or any other cable related items that are important to them. We will now open the hearing up to Citizens Comments. Does anybody on the left side have any comments regarding the Cable Franchise Agreement? Anybody on the right side? Identify yourself.

Don Thoma – Don Thoma. 132 Burbank Drive, Irwin, PA. It's funny you mention this, I was on the phone with Comcast today about our billing issue where they sort of suck you in and then don't tell you it's a two year contract and then they raise it after one year and they don't really tell you that, which is sort of embarrassing. But I think the prices are getting way out of hand and the Township ought to look for other opportunities. I found out last year, which I notified the Township, that they had our, my wife's business located in North Huntingdon Township, which would get the benefit of that municipal and we checked with some other ones at the time and found out that they weren't located in the correct municipality so as far as I know, the Township was losing out on some of that franchise money because they were believing the address, you know Irwin, PA as Irwin Borough or North Huntingdon instead of Hempfield Township. But we, I, personally, we got to do something about prices for our cable, it's getting way out of hand, thank you.

Melanie Phillips – Is there anyone else that would like to comment?

Doug Weimer – I have a question for clarity.

Melanie Phillips – Yes.

Doug Weimer – I mean I respect what Mr. Thoma said and I certainly appreciate, you know, the fact that competition would probably make things better within our community but my understanding is, as it relates to franchise agreements, that any entity that would want to come to our community can, it's just that they would have to pay the franchise fee and make agreements with us whenever they're coming here and I think we have done that in the past. We did that, I thought with that company that was coming from near Mt. Pleasant Township that came through part of our community so I just want to make sure we have clarity that we didn't go out and solicit anything for a provider to come into the community that I'm aware of. The community is open and welcoming all, you know, cable franchises to come here. So can someone answer that for me?

Melanie Phillips – Based on my review of the franchise agreement, it is not exclusive, so you are correct that someone else could come in.

Doug Weimer – It's not exclusive, right. So, any business and entity that wants to do that would have to approach us to use our right-of-ways when they come into our community. We're not holding anybody back but we haven't either gone out and solicited anyone to be here, is that correct? We haven't done any solicitations for Comcast or anybody else?

Melanie Phillips – No.

Doug Weimer – I mean that's a discussion for us later if you want to solicit other providers but we're not holding, suppressing anyone.

George Reese – So Melanie, you've been involved with it and we've had some conversations and shared some emails, are there any other problems issues that we should know about that you want to bring to our attention?

Melanie Phillips – I am not aware of any. We are still performing the audit in line with what Mr. Thoma said as far as us not receiving the franchise fees for certain properties. That is part of what Cohen Law Group does for us. They do full audits of what Comcast has paid us over the last few years and if they did miss any properties they will see that we are reimbursed for those.

Tom Logan – How often do we do that audit?

Melanie Phillips – I think they're only done with franchise renegotiations.

Tom Logan – I know we've done it in the past, I just couldn't remember the schedule.

Melanie Phillips – We did it with the last franchise agreement.

Tom Logan – And that was three years ago?

Melanie Phillips – no it was longer than that.

Tom Logan – five years ago?

Melanie Phillips – It pre-dates me.

Tom Logan – How long of a renewal are they asking for?

Melanie Phillips – They haven't given a term yet. We haven't talked term yet. When the audit is finished we will go that route.

Tom Logan – So we can talk a term for negotiation in the next agreement with them.

Melanie Phillips – Right.

John Silvis – What is the normal term, with other municipalities?

Joel Winston – The typical term is ten to fifteen years. In the past that has been the case. Companies are negotiating down now to around five or eight years so it does vary. In the current franchise agreement which expires on December 31st, 2020 if no contract is renewed or we specifically do not send a notice that we do not want to renew, it will automatically renew for another five years.

Melanie Phillips – are there any other questions or comments? Seeing none, I declare the hearing closed. Thank you, Mr. Chairman.

George Reese – Thank you, Melanie.

4. CITIZENS COMMENTS (As Per Resolution #2012-24) – NONE

5. EXECUTIVE SESSIONS

- a. **November 21, 2018 – Personnel** – Mr. Reese announced that an Executive Session was held on November 21, 2018 for personnel reasons.

6. APPROVAL OF MINUTES

- a. **Consideration to Approve the Minutes from the October 22, 2018 Hempfield Township Board of Supervisors Monthly Meeting** – Mr. Ritson made a motion, seconded by Mr. Logan to approve the minutes from October 22, 2018 Hempfield Township Board of Supervisors Monthly Meeting. Vote: 5-0. Motion carried.
- b. **Consideration to Approve the Minutes from the October 22, 2018 Park Fund Trustees Public Meeting** – Mr. Logan made a motion, seconded by Mr. Ritson to approve the minutes from the October, 22, 2018 Park Fund Trustees Public Meeting. Vote: 5-0. Motion carried.

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

James Shaw – Director of Code & Safety – Worked with Mr. Freeman to catch up on Federal reporting and reached out to find assistance with the grant through Westmoreland EMA, however, they do not have the resources for what the Township is looking for. Mr. Ritson asked Mr. Shaw to look into accident data for Baltzer Meyer Pike because of a recent severe accident which took place on that road. He would like to know if there is anything the Township could ask PennDot to do to make the road safer.

Anthony Kovacic – Director of Fire & EMS – Mr. Kovacic emphasized the Cancer Awareness Program to be held on December 8th which will be a guide to make future policies. He also pointed out that two points of interest will be on the agenda tonight for consideration, one being the Drug & Alcohol Policy for vote and the other is the Quint Specification.

Patrick Karnash – Planning Coordinator – Discussed the Board up Program and progress being made from residents taking action on their properties. Mr. Karnash noted that the department will be moving forward with taking action on boarding up other properties and then placing liens on said properties. Agenda item “g” will have a small discussion.

Doug Cisco – Director of Public Works – Highlights from the Public Works Department include: December 7th, opening of Commodities Bids and they'll be ready for the Board to approve next month, crack sealant program was started (weather permitting), asphalt related jobs are being finished, snow

route training is underway, berming and piping and salting and plowing as needed. The West Point Pond project was a large project for this month, the department was at the location 22 out of 26 days.

Aaron Siko – Director of Parks & Recreation – A lighting quote for the sports field was received at \$509,540, this is informational only. The lights are available on Costars. A meeting was held with DCNR regarding the grant received for \$369,000 for Pavilion F and the representative is open to moving the pavilion to the upper ballfield site. For 2019, they are less inclined to award any grants to the Township based on the \$700,000 outstanding.

Zachary Freeman – Safer Grant Coordinator – Two Quarterly reports have been submitted, one was approved, one was sent back for revisions. FEMA was contacted with questions as well as WCCC to gain further understanding of the grant and how to execute it. An Advisory Board Meeting will be held November 28th.

Melanie Phillips – Director of Finance – Started getting quotes for financing for the Quint Specifications and received two back so far. Mrs. Phillips also thanks the Board for the appointment and hopes to serve the Township well in the position.

Dan Schmitt – Engineer – The Holly Dr./Redgrave Dr. Project will be delivered and installed starting this Friday, weather permitting. There have been some electrical lights installed at the amphitheater.

Scott Avolio – Solicitor – Noted that a resolution was added to the agenda for the appointment of Melanie Phillips as the Assistant Township Manager as well as items “e”, “h”, “i”, “j”, and “k” were added to the agenda pursuant to the Work Session and item “g” will need a short discussion.

8. TREASURER’S REPORT

Mr. Logan stated he had nothing additional to add to his report given at the Work Session.

9. PAYMENT OF BILLS

- a. **General Fund--\$1,339,631.94**
- b. **Light District Account--\$11,141.39**
- c. **Liquid Fuel--\$49,539.12**
- d. **Recreation--\$1,293.50**
- e. **Bond Issue--\$51,357.91**
- f. **Fire Escrow--\$15,735.00**

Mr. Ritson made a motion, seconded by Mr. Logan to approve the payment of bills as listed above.

Vote: 5-0. Motion carried.

10. SCHEDULING OF HEARINGS – NONE

11. DECISIONS FROM HEARINGS – NONE

12. SUBDIVISION PLANS - NONE

13. SITE PLANS

- a. **Consideration to Approve Resolution No. 2018-138; Granting the Withdraw of a Site Plan Approval for the Proposed WCHA Phase II Administration Office Campus Development – Plan No. 20150002** – Mr. Logan made a motion, seconded by Mr. Reese to approve Resolution No. 2018-138. Vote: 5-0. Motion carried.

14. ITEMS FOR ACTION TO BE TAKEN

- a. **Consideration to Approve Resolution No. 2018-139; Naming a Private Roadway as Elderwood Lane** – Mr. Ritson made a motion, seconded by Mr. Silvis to approve Resolution No. 2018-139. Vote: 5-0. Motion carried.
- b. **Consideration to Approve Resolution No. 2018-140; Authorizing the Release of Financial Security for the Westmoreland County Community College Science Innovation Center – Plan No. 20170069** – Mr. Logan made a motion, seconded by Mr. Ritson to approve Resolution No. 2018-140. Vote: 4-0-1 abstain (Weimer).
- c. **Consideration to Approve Resolution No. 2018-141; Approving the Release of Financial Security for the Hempfield Dollar General – Plan No. 20170064** – Mr. Logan made a motion, seconded by Mr. Weimer to approve Resolution No. 2018-141. Vote: 5-0. Motion carried.
- d. **Consideration to Approve Resolution No. 2018-142; Approving the Sewage Facilities Planning Module for Clover Communities Hempfield** – Mr. Logan made a motion, seconded by Mr. Reese to approve Resolution No. 2018-142. Vote: 5-0. Motion carried.
- e. **Consideration to Approve Resolution No. 2018-143; Authorizing the Completion of Necessary Documents for the Water Quality Improvement Projects Along the Mariner East 2 Pipeline Corridor Grant and Designating the Legal Signatories for the Township of Hempfield** – Mr. Weimer made a motion, seconded by Mr. Ritson to approve Resolution No. 2018-143. Vote: 5-0. Motion carried.
- f. **Consideration to Approve Ordinance No. 2018-08; Adopting the 2015 Edition of the International Property Maintenance Code** – Mr. Ritson made a motion, seconded by Mr. Logan to approve Ordinance No. 2018-08. Vote 5-0. Motion carried.
- g. **Consideration to Approve and Consent to the Assignment and Assumption of Rights of Conditions Contained in Resolution No. 2016-58 Which Granted Preliminary Conditional Approval to the Subdivision Known as Grandview Estates Phase 2** – Mr. Logan made a motion, seconded by Mr. Weimer to approve and consent to the Assignment and Assumption of Rights of Conditions Contained in Resolution No. 2016-58 which Granted Preliminary Conditional Approval to the Subdivision known as Grandview Estates Phase 2. Vote: 5-0. Motion carried.
- h. **Consideration to Authorize the Township Manager to Send Letter to Terminate 911 Enterprise Marketing Solutions Contract for Marketing for Westco SAFER Grant** – Mr. Logan made a motion, seconded by Mr. Weimer to authorize the Township Manager to send a letter to terminate 911 Enterprise Marketing Solutions Contract for Marketing for Westco SAFER Grant. Vote: 5-0. Motion carried.
- i. **Consideration to Authorize the Township Manager to Send a Letter to Terminate Consulting Agreement with Decoplan Associates, LLC for Fire Grant Consulting** – Mr. Logan made a motion, seconded by Mr. Weimer to authorize the Township Manager to send a letter to Terminate Consulting Agreement with Decoplan Associates, LLC for Fire Grant Consulting. Vote: 5-0. Motion carried.

- j. Consideration to Authorize the Township Manager to Advertise an RFP for Auditing Services for Conducting Audits of the Westco SAFER Grant According to FEMA Guidelines – Mr. Ritson made a motion, seconded by Mr. Logan to authorize the Township Manager to advertise an RFP for Auditing Services for Conducting Audits of the Westco SAFER Grant according to FEMA Guidelines. Vote: 5-0. Motion carried.**
- k. Consideration to Authorize the Township Manager to Send a Letter of Request to the Community Foundation of Westmoreland County to Change the Board of Trustees for the Hempfield Fire Fund to Include all Members of the Hempfield Township Board of Supervisors – Mr. Ritson made a motion, seconded by Mr. Reese to move item “k” to the end of “Items for Action to be Taken” after item “z”. Vote: 5-0. Motion carried.**
- l. Consideration to Approve the Agreement Between Westmoreland County Transit Authority and Hempfield Township for the Local Share Assessment for Fiscal Year 2018-2019 in the Amount of \$13,371.25 – Mr. Logan made a motion, seconded by Mr. Ritson to approve the Agreement between Westmoreland County Transit Authority and Hempfield Township for the Local Share Assessment for Fiscal year 2018-2019 in the amount of \$13,371.25. Vote: 5-0. Motion carried.**
- m. Consideration to Approve Cowden Associates, Inc. for 2019 – 2020 Actuarial Services for the Hempfield Township Employee Defined Benefit Pension Plan – Mr. Ritson made a motion, seconded by Mr. Logan to approve Cowden Associates, Inc. for 2019-2020 Actuarial Services for the Hempfield Township Employee Defined Benefit Pension Plan. Vote: 5-0. Motion carried.**
- n. Consideration to Approve Agreement for Community Development Block Grant (CDBG) Program for ADA Restrooms Renovation at Hempfield Park Pavilion A – Mr. Logan made a motion, seconded by Mr. Ritson to approve the Agreement for Community Development Block Grant (CDBG) Program for ADA Restrooms Renovation at Hempfield Park Pavilion A. Vote: 5-0. Motion carried.**
- o. Consideration to Approve the Purchase of Two (2) Sutphen Heavy Duty 75 Mid-Mount Aerial Ladder Quints (Model SL75) – Costars Contract #013-009 – Mr. Logan made a motion, seconded by Mr. Ritson to approve the purchase of two (2) Sutphen Heavy Duty 75 Mid-Mount Aerial Ladder Quins (model SL75) – Costars Contract #013-009. Vote: 5-0. Motion carried.**
- p. Consideration to Approve the Sale of the Following Items Through Municibid**

ITEM	LISTING #	BID AMT.	WINNING BIDDER
Outdoor Cast Iron Grill	18367326	\$11.00	James Colbow
Outdoor Cast Iron Grill	18366483	\$10.00	James Colbow
Outdoor Cast Iron Grill	18365920	\$10.00	James Colbow

Mr. Logan made a motion, seconded by Mr. Ritson to approve the sale of the items, as listed above, through Municibid. Vote: 5-0. Motion carried.

- q. Consideration to Authorize the Township Manager to Solicit Bids for the ADA Restrooms Renovation at Hempfield Park Pavilion A Project – Mr. Logan made a motion, seconded by Mr. Weimer to authorize the Township Manager to Solicit Bids for the ADA Restrooms Renovation at Hempfield Park Pavilion A Project. Vote: 5-0. Motion carried.**

- r. **Consideration to Approve Pay Estimate #6 in the Amount of \$11,230.69 to JT Masonry Construction for the Hempfield Park Amphitheater Construction – Contract 2/2018** – Mr. Logan made a motion, seconded by Mr. Reese to approve Pay Estimate #6 in the amount of \$11,230.69 to JT Masonry Construction for the Hempfield Park Amphitheater Construction. Vote: 5-0. Motion carried.
- s. **Consideration to Approve Pay Estimate #1 in the Amount of \$179,926.83 to Ligonier Construction Company for the Holly Drive/Redgrave Drive Culvert Replacement Project – Contract 1/2018** – Mr. Logan made a motion, seconded by Mr. Ritson to approve Pay Estimate #1 in the amount of \$179,926.83 to Ligonier Construction Company for the Holly Drive/Redgrave Drive Culvert Replacement Project. Vote: 5-0. Motion carried.
- t. **Consideration to Approve Change Order #2 in the Amount of \$93,913.08 Reducing the A. Liberoni, Inc. Contract for the 2018 Hot Mix Paving Program – Contract 3/2018** – Mr. Logan made a motion, seconded by Mr. Ritson to approve Change Order #2 in the amount of \$93,913.08 Reducing the A. Liberoni, Inc. Contract for the 2018 Hot Mix Paving Program – Contract 3/2018. Vote: 5-0. Motion carried.
- u. **Consideration to Approve Pay Estimate #4 (Final) in the Amount of \$155,317.78 to A. Liberoni, Inc. for the 2018 Hot Mix Paving Program – Contract 3/2018** – Mr. Ritson made a motion, seconded by Mr. Reese to approve Pay Estimate #4 (Final) in the amount of \$155,317.78 to A. Liberoni, Inc. for the 2018 Hot Mix Paving Program – Contract 3/2018. Vote: 5-0. Motion carried.
- v. **Consideration to Approve Change Order #1 in the Amount of \$837.70 to Parking Lot Painting Company for 2018 Line Painting – Contract 4/2018** – Mr. Logan made a motion, seconded by Mr. Reese to approve Change Order #1 in the amount of \$837.70 to Parking Lot Painting Company for 2018 Line Painting – Contract 4/2018. Vote 5-0. Motion carried.
- w. **Consideration to Approve Pay Estimate #1 in the Amount of \$18,037.98 to Parking Lot Painting Company for 2018 Line Painting – Contract 4/2018** – Mr. Logan made a motion, seconded by Mr. Weimer to approve Pay Estimate #1 in the amount of \$18,037.98 to Parking Lot Painting Company for 2018 Line Painting – Contract 4/2018. Vote: 5-0. Motion carried.
- x. **Consideration to Authorize Doug Cisco, Director of Public Works, to Cash Out Up to Five (5) Additional Vacation Days in 2018** – Mr. Logan made a motion, seconded by Mr. Weimer to authorize Doug Cisco, Director of Public Works, to cash out up to five (5) additional vacation days in 2018. Vote: 5-0. Motion carried.
- y. **Consideration to Approve the Hiring of the Following Seasonal HTAC Facility Assistants at the Rate of \$8.00 Per Hour**
 - 1. **Cameron Miller**
 - 2. **Olivia Neill**
 - 3. **Alexander Ross**
 - 4. **Tanner Schmitt**

Mr. Logan made a motion, seconded by Mr. Ritson to approve hiring Seasonal HTAC Facility Assistants at the rate of \$8.00 per hour as listed above. Vote: 5-0. Motion carried.

- z. Consideration to Approve the Following Emergency Service Applications as Members of the Hempfield Township Bureau of Fire, to be Effective Upon the Township Receiving a Physical Report from the Township Physician Stating that the Individual is Capable of Performing Activities Related to the Appointed Position and Successful Criminal History and Act 153 Clearance Requirements**

1. Joseph J. Arcuri	Jr. Firefighter	Carbon VFD
2. Richard A. DeFrank III	Jr. Firefighter	Carbon VFD
3. John Funa	Sr. Firefighter	Adamsburg VFD
4. Cody J. Gridler	Sr. Firefighter	Transfer to Adamsburg VFD
5. Zachary M. Hafer	Sr. Firefighter	Transfer to Adamsburg VFD
6. James P. Shaw	Fire Police	Carbon VFD
7. Justin W. Streets	Sr. Firefighter	Grapeville VFD

Mr. Ritson made a motion, seconded by Mr. Weimer to approve the listed Emergency Service applicants as members of the Hempfield Township Bureau of Fire, effective upon the Township receiving a physical report from the Township Physician stating that the individual is capable of performing activities related to the appointed position and successful Criminal History and Act 153 Clearance Requirements. Vote: 5-0. Motion carried.

- k. Consideration to Authorize the Township Manager to Send a Letter of Request to the Community Foundation of Westmoreland County to Change the Board of Trustees for the Hempfield Fire Fund to Include all Members of the Hempfield Township Board of Supervisors** – Mr. Ritson made a motion, seconded by Mr. Reese to table this consideration and request that the managers seek an outside audit of the contracts entered into by Township for the period of January 1, 2016 through December 31st, 2018 to determine if they were approved in accordance with the Second Class Township Code. Vote: 5-0. Motion carried.

15. OLD BUSINESS

- a. Consideration to Approve the 2019 Preliminary Capital Budget** – Mr. Logan made a motion, seconded by Mr. Ritson to approve the 2019 Preliminary Capital Budget. Vote: 5-0. Motion carried.
- b. Consideration to Approve the Bureau of Fire SOP #100.13 – Drug & Alcohol Policy** – Mr. Logan made a motion, seconded by Mr. Reese to approve the Bureau of Fire SOP #100.13 – Drug & Alcohol Policy. Vote: 5-0. Motion carried.

16. NEW BUSINESS

- a. Mr. Ritson requested that the Board make a motion to authorize the Township Manager to solicit requests for proposals for Engineering and Solicitor Services to be considered at the reorganization meeting in January of 2019.** – Mr. Ritson made a motion, seconded by Mr. Weimer to authorize the Township Manager to solicit requests for proposals for Engineering and Solicitor Services. Vote: 5-0. Motion carried.

17. PROCLAMATIONS

- a. Small Business Saturday – November 24, 2018**
Mr. Reese read a Proclamation for Small Business Saturday to be presented to the Chamber of Commerce.

18. SUPERVISORS' COMMENTS

Mr. Weimer – Recognized the Recreation Department for receiving the Quest for the Best from the Tribune Review and acknowledged the staff for going above and beyond for keeping the park clean and safe and working hard to keep the programs running. Mr. Weimer requested a proclamation be given to the staff for that award.

Mr. Reese – Mr. Reese also recognized the Recreation Department for their receipt of the Quest for the Best from the Tribune Review.

Mr. Ritson – Empathized with the staff and the board regarding the length of the work sessions and requested some input on committees or extra meetings so that the work sessions are not so long. The important conversations that must be held should be discussed but they should not take up so much of the work session but rather held during special meetings or during committee meetings.

19. ADJOURNMENT

The Regularly Scheduled Monthly Meeting of the Hempfield Township Board of Supervisors, held at the Hempfield Township Municipal Building, was adjourned at 8:04 p.m. by Chairman George Reese.

CHAIRMAN

SECRETARY