

Chairperson Wanda Layman on Wednesday, February 15, 2012 at 7:00pm at the Sewickley Township Municipal Building, called the Regular Monthly Meeting of the Sewickley Township Board of Supervisors to order as advertised in The Times-Sun on Thursday, January 12, 2012. The members of the Board of Supervisors present were Wanda Layman, Joe Kerber, and Alan Fossi. Also attending the meeting were Tom Lord, Steve Solomon, Tracy Hampshire, Dave Hampshire, Kathy Kerber, Janet Schork, Dean Zimmerman, Paula Alcott, Dan Hewitt, and Susan Leukhardt.

Mrs. Layman led those present in the Pledge of Allegiance.

**An Executive Session was held on February 7, 2012 at 1:30pm to discuss personnel matters.**

#### **Report from Road Master, Joe Kerber**

The crew spent eight (8) days plowing and salting going through approximately 450 ton of salt and antiskid equally. We have been brushing and chipping Crabapple Park, Apples Mill Road, and Taylor Road. We have patched for four (4) days this month. The shop is still working on the cab for truck #3. We fixed the shifter on the gradall and the grader is down with the transmission. The trucks hauled antiskid for four (4) days. We pulled ditches on Cool Springs Road, Taylor Road, Limerick Road, and Shuglie Hill Road. Volk Road is now closed due to a slide. Two (2) new waste oil furnaces were put in the shop.

#### **Report from Recreation Director, Janet Schork**

She is still working on the Township website. It is proceeding steadily but slowly. Hopefully it will be done by April 30<sup>th</sup>. Bob Lavella promised that he will turn in a schedule for SAAA baseball by the end of the month. Along with Mr. Fossi, they are working on the ADA requirements for Crabapple Pool. The 2012 rates for the pavilions at Crabapple Park are attached to the agenda for the Supervisors' approval. There is a lot going on with the Recreation Board right now. Upcoming events: dance, casino bus trip, and annual easter egg hunt. The public time rules have been instituted and a copy is on the meeting room table. The gym rental times are completely full. We are now offering yoga fitness classes. Public Time is going very well with an average of 30 kids on Wednesday nights. Mondays and Thursdays, there are usually between 10 and 15 children.

#### **Report from Ordinance Officer, Dean Zimmerman**

The last month has remained fairly quiet. We had a complaint about residents that like to plow snow across the road and onto their neighbor's property. Folks need to be aware that pushing snow, leaves, or any other debris onto or across Township roads is not only a violation of Township Ordinances, but also against state law. We have continued to work on some of the long term violations as well as following up on active cases such as the multiple violations in the Hutchinson area as well as cases in the Herminie and Shaner areas.

We have begun to receive applications for junkyard licenses and will be starting to inspect each junkyard soon. In order to be sure he is fair and consistent in those inspections, he developed a standardized form to be used for each junkyard inspection every year and to make sure everyone is treated fairly.

As he reported last month, he was scheduled to have two (2) Summary Trials in District Court yesterday. One of those complaints had to be withdrawn and the trial cancelled when the ownership of the property suddenly changed on February 3<sup>rd</sup>. That complaint has now been re-filed against the new owner. The other trial yesterday resulted in the defendant, who lives on the property and is in control of that property, being found guilty of the violation of a Township Ordinance. He has been given until mid June to correct the violations or face fines of up to \$1,000.00 per day until the property comes into compliance. Mr. Zimmerman currently has five pending cases in District Court, including the one mentioned earlier.

Since we still face the possibility of additional snowfall this winter, he is asking the folks to use common sense and not park their vehicles on streets, alleys, or roads that will hamper the road crew's efforts to plow those streets, alleys, and roads. If a vehicle qualifies as an "abandoned motor vehicle" and has not moved for 48 hours, Mr. Hewitt, our Solicitor, has assured him that he has the authority to have that vehicle towed to a salvage yard. Hopefully it would not have to come to that.

### **Public Comment**

Joe Luzanski spoke about another group home going in on Ted Road. He is asking who is responsible for making sure that all permits and zoning issues are being met with these homes. Dan Hewitt stated that under the ADA provisions, we can not treat a group home any different than a regular home. Mr. Hewitt will get in contact with Mike Stack to talk about this further.

Mr. Luzanski spoke to Mrs. Schork about the website stating that he has some experience with websites and if she has any questions about building the Township's, please give him a call.

Tracy Hampshire read the following statement:

"My name is Tracy Hampshire and I live at 212 Madison Avenue Rear, Herminie.

I am here today to protest the closing of the road in front of my home. The road is a public through way between the Rec Center/Library and Post Office. The road under protest runs parallel to the alley way that runs in front of my house. The road under protest is the only accessible road that emergency vehicles could use if my house was on fire.

The alley way in front of my house is inaccessible for emergency vehicles and delivery trucks. Width and weight restrictions keep them from getting to my house via the alley way. Township plow trucks cannot fit properly through this alley way.

I have done my homework and learned that if a road is used as a public road and/or maintained by the Township for a period of 21 or more years, it is a known as a public road. The road in question has been used as a public road for more than 30 years.

Mr. Turik now wants to close that road. He does not have the right to do that. Furthermore, Jon Turik is a member of the Rec Board in this Township and the closing of this road will directly affect the people he serves. Residents and non-residents use this road to exit the Library and Rec Center. Leaving the Rec Center/Library parking lot is dangerous. It is very difficult to see oncoming traffic and at the point two roads intersect (Pike and Highland) is where you are pulling out onto. Anyone that uses the Rec Center and Library know the layout and danger. In the event the Recreation Center/ Library would have an emergency, there would be only one way in and out for emergency vehicles.

I have received a copy of a provision in Ladner Pennsylvania Real Estate Law. This is considered the "Bible" of real estate law in Pennsylvania. Section 5.02 (c) states clearly, what is known as an Easement by Prescription is acquired by the Township by maintaining the road previously stated.

We have our own Township Code in the Commonwealth of Pennsylvania Township Code Book, Section 2307, Certain Roads Declared Public Roads. (a) Every road which has been used for public travel and maintained and kept in repair by the Township for a period of at least 21 years is a public road having a right of way of 33 feet even if there is no public record of the laying out or dedication for public use of the road.

I know that the Township Solicitor is already aware of these laws. By law, it would be illegal and a danger to my family and the public to close this road off to the public."

Mr. Hewitt stated that this is a different situation. In 1966, when the Township deeded this out, the Township retained an easement and right of way. Mrs. Layman asks if the home owners there now have a similar easement. Mrs. Layman and Mr. Fossi stated that there hasn't been a decision made about this yet. They are still waiting for more information from Mr. Turik.

Joe Kerber made a motion, seconded by Alan Fossi, to adopt Resolution No. 22-2012 setting the compensation for Susan Leukhardt, Secretary-Treasurer of the Township of Sewickley at \$13.75 per hour for up to 40 hours. If overtime is necessary, employee will be paid at time and a half for any hours worked over 40 in a work week. This will be retroactive to January 3, 2012. Voting: Mr. Fossi, Mrs. Layman, Mr. Kerber; yes. Motion carried unanimously.

Joe Kerber made a motion, seconded by Alan Fossi, to adopt Resolution No. 23-2012 setting the compensation for Paula Alcott, Office Manager of the Township of Sewickley at \$12.75 per hour for up to 40 hours. If overtime is necessary, employee will be paid at time and a half for any hours worked over 40 in a work week. This will be retroactive to January 3, 2012. Voting: Mr. Fossi, Mrs. Layman, Mr. Kerber; yes. Motion carried unanimously.

Joe Kerber made a motion, seconded by Alan Fossi, to approve Requisition No. 66 received on February 14, 2012 from MSATS in the amount of \$37,247.08. Voting: Mr. Fossi, Mrs. Layman, Mr. Kerber; yes. Motion carried unanimously.

Joe Kerber made a motion, seconded by Alan Fossi, to enter into a Participation Agreement with DGS Costars for the purchase of salt for the 2012-2013 season. Estimated tonnage for the 2012-2013 purchase shall be 1,600 ton. We will be required to purchase a minimum of 60% to a maximum of 140% the estimated tonnage. Voting: Mr. Fossi, Mrs. Layman, Mr. Kerber; yes. Motion carried unanimously.

Joe Kerber made a motion, seconded by Alan Fossi, to receive proposals for approximately 3,500 ton of Type II anti-skid materials. The advertisement shall be published in The Times-Sun on Thursday, February 23, 2012 and Thursday, March 1, 2012. Sealed proposals shall be received until 10:00am on Wednesday, March 14, 2012 and opened at that same date and time. Proposals shall be read aloud and recorded at the Regular Monthly Meeting of the Board of Supervisors to be held Wednesday, March 21, 2012 at 7:00pm. Voting: Mr. Fossi, Mrs. Layman, Mr. Kerber; yes. Motion carried unanimously.

Joe Kerber made a motion, seconded by Alan Fossi, to receive proposals for the following items:

- A. The purchase of the annual requirements of catch basins with "M" top and bicycle grates.
- B. The purchase of the annual requirements of plastic pipe and the appurtenances.
- C. The purchase of the annual requirement of dust oil, emulsified asphalt, aggregate, blacktop products and bituminous patching material.

The advertisement shall be published in The Times-Sun on Thursday, February 23, 2012 and Thursday, March 1, 2012. Sealed proposals shall be received until 10:00am on Wednesday, March 14, 2012 and opened at that same date and time. Proposals shall be read aloud and recorded at the Regular Monthly Meeting of the Board of Supervisors to be held Wednesday, March 21, 2012 at 7:00pm. Voting: Mr. Fossi, Mrs. Layman, Mr. Kerber; yes. Motion carried unanimously.

Joe Kerber made a motion, seconded by Alan Fossi, to receive proposals for Lawn Care Services, the cutting and trimming of the following locations, when the height of the grass is a limit of four inches:

- a) Township building lawn
- b) Recreation building lawn
- c) Recreation Building bank facing Pike Street
- d) The former Herminie Reservoir property located on Highland Avenue
- e) Guffey Cemetery
- f) Quaker Cemetery
- g) Shaner Honor Roll
- h) The Project 70 property located at the Sewickley Township Volunteer Fire Company No. 3 (Rillton)
- i) Keystone Playground
- j) Reservoir Road Cemetery
- k) Lowber Playground

These locations will be bid as a whole. One Lawn Care Service for all locations.

The Contractor shall be responsible for fuel, equipment, and Workers Compensation and Liability Insurance.

Sealed proposals shall be received until 11:00am on Wednesday, March 14, 2012 and opened at that same date and time. Proposals shall be read aloud and recorded at the Regular Monthly Meeting of the Board of Supervisors to be held Wednesday, March 21, 2012 at 7:00pm. Voting: Mr. Fossi, Mrs. Layman, Mr. Kerber; yes. Motion carried unanimously.

Joe Kerber made a motion, seconded by Alan Fossi, to receive proposals for Lawn Care Services, the cutting and trimming of the following locations, when the height of the grass is a limit of three inches:

- a) John C. Bruno Memorial Football Field
- b) All baseball and softball fields
- c) Crabapple Park

These locations will be bid as a whole. One Lawn Care Service for all locations.

The Contractor shall be responsible for fuel, equipment, and Workers Compensation and Liability Insurance

Sealed proposals shall be received until 11:00am on Wednesday, March 14, 2012 and opened at that same date and time. Proposals shall be read aloud and recorded at the Regular Monthly Meeting of the Board of Supervisors to be held Wednesday, March 21, 2012 at 7:00pm. Voting: Mr. Fossi, Mrs. Layman, Mr. Kerber; yes. Motion carried unanimously.

Proposals were submitted for the Property and Casualty Coverage for Herminie and Hutchinson Fire Companies from Varine-Slavin. Quotes were asked of Selective and McNeil. McNeil and Company refused to offer a proposal due to prior loss history.

Joe Kerber made a motion, seconded by Alan Fossi, to renew Property and Casualty Coverage for Herminie and Hutchinson Fire Companies with Varine-Slavin using Selective at the premiums below. Policy is effective from February 26, 2012 to December 18, 2012.

Herminie Fire Company:	\$ 8,910.00
Hutchinson Fire Company:	\$ 7,270.00

Voting: Mr. Fossi, Mrs. Layman, Mr. Kerber; yes. Motion carried unanimously.

Joe Kerber made a motion, seconded by Alan Fossi, to adopt Ordinance No. 2012-1 amending various provisions of the Code of Ordinances of the Township of Sewickley and of current Ordinances of the Township of Sewickley, relating to the establishment of municipal fees and charges relating to allow the same to be set from time to time by Resolution of the Board of Supervisors. Voting: Mr. Fossi, Mrs. Layman, Mr. Kerber; yes. Motion carried unanimously.

Joe Kerber made a motion, seconded by Alan Fossi, to adopt Resolution No. 24-2012 restating, determining, and assessing municipal fees to be imposed for zoning, subdivision, building permits, and other municipal applications and permits in the Township of Sewickley. Voting: Mr. Fossi, Mrs. Layman, Mr. Kerber; yes. Motion carried unanimously.

Joe Kerber made a motion, seconded by Alan Fossi, to adopt Resolution No. 25-2012 approving Articles of Amendment to the Articles of Incorporation of the Municipal Sewage Authority of the Township of Sewickley. This will amend its Articles to increase the number of members from seven (7) to nine (9) as authorized under 53 Pa. C.S.A. 5605 (a)(4). Voting: Mr. Fossi, Mrs. Layman, Mr. Kerber; yes. Motion carried unanimously.

Joe Kerber made a motion, seconded by Alan Fossi, to approve the Nelson sub-division situated on Timberlane Road which has two residences located on one property. The sub-division would provide a separate parcel for each house. Lot 1 would contain 1.31 acres and Lot 2 would be 2.75 acres. Each property would have municipal sewage and water. This plan has been approved by the Planning Commission. Motion tabled during the December 21, 2011 regular meeting due to waiting on a letter from the Water Authority stating that water service is available to the property. Voting: Mr. Fossi, Mrs. Layman, Mr. Kerber; yes. Motion carried unanimously.

Joe Kerber made a motion, seconded by Alan Fossi, to approve the Robert A. Miller sub-division situated at the intersection of Mars Hill and Pinewood Roads. This plan sub-divides Lot 1 containing 1.245 acres and Lot 2 containing 1.245 acres from the residual Lot 3 which would be 19.426 acres. Lots 1 and 2 contain existing residences and a new residence is being built on Lot 3. Public water and sewer is available for all three parcels. This plan has been approved by the Planning Commission. Voting: Mr. Fossi, Mrs. Layman, Mr. Kerber; yes. Motion carried unanimously.

Joe Kerber made a motion, seconded by Alan Fossi, to adopt Resolution No. 26-2012 appointing Paula Alcott, Office Manager of the Township of Sewickley as a liaison between it and Berkheimer, the duly appointed collector of the earned income tax for the district, for the express purpose of sharing confidential tax information with the district for official purposes. Voting: Mr. Fossi, Mrs. Layman, Mr. Kerber; yes. Motion carried unanimously.

Joe Kerber made a motion, seconded by Alan Fossi, to adopt Resolution No. 27-2012 designating and certifying the current Elected Officials of the Township of Sewickley is the owner of certain funds currently on deposit with Citizens Bank. Voting: Mr. Fossi, Mrs. Layman, Mr. Kerber; yes. Motion carried unanimously.

Joe Kerber made a motion, seconded by Alan Fossi, to set the Crabapple Pavilion rental rates for 2012 as listed on the last page of this agenda. There is no increase from the previous year. Voting: Mr. Fossi, Mrs. Layman, Mr. Kerber; yes. Motion carried unanimously.

Joe Kerber made a motion, seconded by Alan Fossi, to authorize the Sewickley Township Recreation Board use of Bruno Field and all Baseball fields on Saturday, April 7, 2012 for their Annual Easter Egg Hunt. Voting: Mr. Fossi, Mrs. Layman, Mr. Kerber; yes. Motion carried unanimously.

The Annual Convention of the Westmoreland County Association of Township Supervisors will be held on Friday, March 9, 2012 at the Four Points Hotel, Route 30 East, Greensburg, PA. Section 1401 (b) and (c) (1), (2) and (3) of the Second Class Township Code states, "The supervisors, auditors, tax collectors, managers, solicitors, engineers, treasurer and secretary of the board of supervisors shall attend the conventions when possible. Each supervisor, auditor, tax collector, manager, solicitor, engineer, treasurer and secretary attending the convention shall receive a certificate, signed by the secretary of the county association, attesting their presence at the convention. The certificate entitles the official to collect from the township treasurer the sum of fifty dollars (\$50) for each day's attendance, expenses which are limited to the registration fee, mileage for use of a personal vehicle or reimbursement of actual transportation expense going to and returning from the meeting plus all other actual expenses that the board of supervisors agrees to pay. Every delegate attending the meeting shall submit to the board of supervisors an itemized account of expenses incurred at the meeting. If the meeting is held during township employee's normal work schedule, the board of supervisor may authorize township employees, including supervisors employed by the township, to be compensated at their regular employee rate during their attendance at the meeting, in which case the employee is not entitled to the fifty dollars (\$50) mentioned in this section. The board of supervisors may authorize a supervisor who is not employed by the township to receive total or partial reimbursement for lost wages or salary while attending the annual meeting, in which case the supervisor is not entitled to the fifty dollars (\$50) mentioned in this section, provided that sufficient documentation of such wages or salary is presented to the board of supervisors to justify the reimbursement."

Joe Kerber made a motion, seconded by Alan Fossi, to authorize those outlined in this Section of the Code, along with the Office Manager and Ordinance Officer to attend the Convention and that their expenses for travel be paid by the Township and that Township employees be compensated at their regular employee rate and others receive the stipend as outlined in the Code. Voting: Mr. Fossi, Mrs. Layman, Mr. Kerber; yes. Motion carried unanimously.

Joe Kerber made a motion, seconded by Alan Fossi, to close the Township Office on Friday, March 9, 2012 and to advertise the same while employees attend the Annual Convention of the Westmoreland County Association of Township Supervisors. Voting: Mr. Fossi, Mrs. Layman, Mr. Kerber; yes. Motion carried unanimously.

Joe Kerber made a motion, seconded by Alan Fossi, to approve the following bills for payment.

General Fund:	Checks 4292 to 4312 - \$ 44,862.28 (1/20/12)
	Check 4313 (void) - \$ 8,256.00 (1/20/12)
	Checks 4314 to 4315 - \$ 8,506.00 (1/23/12)
	Checks 4316 to 4346 - \$ 33,170.69 (1/24/12)
	Check 4347 - \$ 402.37 (1/30/12)
	Draft 150051 - \$ 642.89 (1/31/12)
	Draft 150052 - \$ 105.60 (1/31/12)
	Draft 150053 - \$ 1,006.85 (1/31/12)
	Checks 4348 to 4376 - \$ 33,937.28 (2/9/12)
Crabapple:	Checks 3806 to 3807 - \$ 80.67 (1/20/12)
	Check 3808 - \$ 140.00 (1/23/12)
	Draft 29 - \$ 254.42 (1/31/12)
	Draft 30 - \$ 199.55 (1/31/12)
	Check 3809 - \$ 60.64 (2/9/12)
Light Districts:	Draft 73 - \$ 2,635.76 (1/31/12)
	Draft 74 - \$ 474.14 (1/31/12)
	Draft 75 - \$ 534.43 (1/31/12)
	Draft 76 - \$ 207.84 (1/31/12)

Payroll Invoices: Draft 90114 - \$ 574.05 (1/17/12)  
Checks 2460 to 2462 - \$ 634.53 (1/24/12)  
Checks 2464 to 2467 - \$ 3,034.57 (1/30/12)  
Draft 90115 - \$ 603.12 (1/31/12)  
Draft 90116 - \$ 9,042.45 (1/31/12)  
Checks 2471 to 2742 - \$ 343.18 (2/9/12)

Voting: Mr. Fossi, Mrs. Layman, Mr. Kerber; yes. Motion carried unanimously.

Joe Kerber made a motion, seconded by Alan Fossi, to approve the following payrolls for payment.

Employees Payroll: 1/27/12 - \$ 12,451.14 - check 2463 , drafts 22512 to 22523  
2/3/12 - \$ 8,341.57 – check 2468 , drafts 22524 to 22535  
2/10/12 - \$ 9,398.52 – checks 2469 to 2470 , drafts 22536 to 22547  
2/17/12 - \$ 12,395.51 – check 2473 , drafts 22548 to 22560

Voting: Mr. Fossi, Mrs. Layman, Mr. Kerber; yes. Motion carried unanimously.

### **New / Old Business**

Volk Road is closed due to sliding. The road will remain closed indefinitely while an engineering and feasibility study is done. Our concern is for the safety of our residents in Sewickley Township. We are sorry for any inconvenience this may cause.

### **Solicitor Comments**

Dan Hewitt stated that the Marcellus Shale legislation has been signed by Governor Corbett on Monday night. This is the reason why Sewickley Township has not passes Ordinance and regulations regarding Marcellus Shale. The State has taken over the regulations. The next step is for the County to join in for the Impact Fee. This is all brand new. Mrs. Layman asked if they have taken away all local authority. Mr. Hewitt stated that it will be hard to draft a local Ordinance that just stays under the Municipality's planning code.

Also, Mr. Hewitt presented the draft Township Code Book to the Board of Supervisors. He is asking for us to look over it. Sometime this year, he wants the Township to adopt this as the new official Code for the Township.

With no further business to come before the Board, Joe Kerber made a motion to adjourn, seconded by Alan Fossi. Voting: Mr. Fossi, Mrs. Layman, Mr. Kerber; yes. Meeting adjourned at 7:48pm.

Susan D. Leukhardt  
Secretary-Treasurer

# 2012

## CRABAPPLE PAVILION RATES

<b>Pavilion #1 (6 tables, electric)</b>	<b>Resident</b>	<b>Non-Resident</b>
Friday, Saturday, Sunday, Holidays	\$ 50.00	\$ 75.00
Friday Evening (5pm)	\$ 35.00	\$ 50.00
Monday-Thursday	\$ 25.00	\$ 35.00

**A \$50 deposit and a copy of homeowners insurance policy is required for all pavilion rentals. This deposit will be kept if area must be cleaned by park maintenance. Please send deposit on separate check.**

---

<b>Pavilion #2 (12 tables, water, electric)</b>	<b>Resident</b>	<b>Non-Resident</b>
Friday, Saturday, Sunday, Holidays	\$ 125.00	\$ 150.00
Friday Evening (5pm)	\$ 75.00	\$ 100.00
Monday-Thursday	\$ 40.00	\$ 55.00

**A \$50 deposit and a copy of homeowners insurance policy is required for all pavilion rentals. This deposit will be kept if area must be cleaned by park maintenance. Please send deposit on separate check.**

---

**\$ 25.00 for time extension until 10:00pm.**

---

### **Park Rules:**

1. Fishing: Subject to State Law
2. Illegal activities or activities that are repulsive to public interest are prohibited. Violators will be subject to prosecution.
3. Defacing and/or removing park property, including trees, shrubs, and flowers is prohibited. Violators will be subject to prosecution.
4. Loss or damage to personal property is not the Parks responsibility. Sewickley Township shall not be held liable for personal injury.
5. Park Hours: 8:00am to 8:00pm. No overnight privileges.

Please contact the Recreation Director for information on booking the pavilions at 724-835-1087.