

## Special Meeting

### Medical Marijuana Establishments Pending Ordinance

Chairman Brian Merdian on Wednesday, April 19, 2017 at 7:00pm in the Meeting Room of the Municipal Building called a Special Meeting of the Sewickley Township Board of Supervisors to order as advertised in the Tribune Review on Monday, March 20, 2017. The members of the Board of Supervisors present were Brian Merdian, Joseph Kerber, and Alan Fossi. Also attending the meeting were Terry Stafford, Jim Harvey, John Seanor, Linda Harvey, Paula Slebodnik, Tracy Hampshire, Barb Mignogna, Lori Jones, Wayne Jones, Chuck Slebodnik, Patty Vanyo, Sandy Dull, Tom Mautino, Mark Petros, Jack McWilliams, Tom Lord, Yvonne Shawl, Marg Sensue, a representative from the Tribune Review, Attorney Zachary Kansler, Janet Schork and Erika Horvat.

Mr. Merdian led those present in the Pledge of Allegiance.

Chairman Brian Merdian announced that we will be holding a special meeting regarding the Medical Marijuana establishment pending ordinance.

Attorney Kansler explained that this is an ordinance for the Township of Sewickley, Westmoreland County to regulate Medical Marijuana establishments. In 2016 the legislature enacted the Medical Marijuana Act which was Act 16 of 2016. This act permitted medical marijuana establishments to operate with two types of establishments, one being dispensaries which actually dispense medical marijuana and another to grow marijuana which is where it is grown then processed into medical marijuana form. This ordinance addresses medical marijuana organizations as a whole, then specific provisions for the dispensaries. The way it is currently drafted is that medical marijuana dispensaries would only be permitted only by way of special exception and they would only be given that permit only if they comply with every provision. The dispensaries would only be allowed as a special exception in V-1, V-2, C-C, and M-T zone districts. The medical marijuana grower or processor, again special exception only, in C-C M-T and A-1. The medical marijuana establishments both the dispensaries and the grower processors would not be permitted to be within 200 feet of any dwelling located on a property zoned residential rural or residential medium density zoning districts. Medical marijuana organizations will not be permitted to be located within 200 feet of the boundary of any public lands zoned district. The organizations would not be permitted in nor can they abut or be adjacent to any building that has any residential tenants as the time of application. That's important in this ordinance because a great deal of the commercial properties in the township tend to be in the mixed use zone district which would be V-1 or V-2. That requirement that I just mentioned makes it so that the organizations cannot be located in buildings that are housing residential tenants or directly near residential tenants. It won't be permitted as a home business. The organizations will be required to follow the Medical Marijuana Act and they would lose their permit if they were in violation of this. They would have to have a permit from the state and apply to have an establishment in the township. The establishments no matter what type are required to be indoors. They would have to comply with the Township Code. The facility would have to comply with the variety of property maintenance and fire codes. The building would have to contain any video surveillance system that would monitor the area open to the public as well as the location of the marijuana and all facilities that are in contact with the marijuana. All exits and entrances will have to be monitored by the surveillance system. It would have to maintain at least seven days of surveillance video. The building will have a security system that would alert the business owner and law enforcement should there be any unauthorized access. All medical marijuana is required to be locked in a secure location where it is not to be visible to the public except for medical marijuana that is to be for sale. The marijuana that is displayed for sale must be in a locked case and someone who is an employee must be in the room watching over it. The dispensaries cannot be permitted within 1000 feet within a school or daycare center. Medical marijuana dispensaries would be able to sell medical devices and instruments needed to administer medical marijuana pursuant to the medical marijuana act. It allows for onsite consumption if consented by the onsite physician, pharmacist, physician's assistant, or certified registered nurse practitioner. State law requires that there always be a trained person on site.

**Public Comment - None**

With no further business to come before the Board, Joe Kerber made a motion to adjourn, seconded by Alan Fossi. Voting: Mr. Kerber, Mr. Merdian, Mr. Fossi; yes. Motion carried unanimously. Meeting adjourned at 7:10pm.

**Board of Supervisors Regular Monthly Meeting Minutes**

Chairman Brian Merdian on Wednesday, April 19, 2017 at 7:10pm in the Meeting Room of the Municipal Building called the Regular Meeting of the Sewickley Township Board of Supervisors to order as advertised in the Tribune Review on Tuesday, December 27, 2016. The members of the Board of Supervisors present were Brian Merdian, Joseph Kerber, and Alan Fossi. Also attending the meeting were Terry Stafford, Jim Harvey, John Seanor, Linda Harvey, Paula Slebodnik, Tracy Hampshire, Barb Mignogna, Lori Jones, Wayne Jones, Chuck Slebodnik, Patty Vanyo, Sandy Dull, Tom Mautino, Mark Petros, Jack McWilliams, Tom Lord, Yvonne Shawl, Marg Sensue, a representative from the Tribune Review, Attorney Zachary Kansler, Janet Schork and Erika Horvat.

**An Executive Session was held on March 30, 2017 at 3:00pm and April 19, 2017 at 6:30pm to discuss personnel and legal matters.**

**Report from Roadmaster, Joe Kerber**

We have been down two guys, one for most of the winter. We replaced a storm pipe and catch basin on Reservoir Road. The guys have been out cleaning ditches on Shaner Road and Stewart Lane. We trimmed trees on Shaner Road. We started on Stewart Lane and will be done there in about two or three days. Started sweeping Country Road with the power broom. We will have the sweeper truck out next week. We were out patching roads for approximately four days. The small dump truck that is used for patching is down. We will have that repaired and ready for patching next week. The Road Crew received flagger and trench safety training at the April safety meeting.

**Report from Ordinance Officer, Bill Hause, given by Supervisor Brian Merdian**

Since our last meeting I have been perusing the usual complaints of high grass, junk motor vehicles and garbage on various properties around the township. We have had some success with having two properties brought into compliance. For those of you who do not know, this will be my last report as the Ordinance Officer. I would like to thank everyone here that I've worked with, Supervisors, ladies in the office, ladies down as MSATS and Linda Harvey.

Margaret Sensue lives in the area of General Braddock and Limerick Hill. She spoke of the appeal and the fine that was awarded to the township regarding a nuisance property in that area. What will the township now do to have those areas cleared? Doesn't the ordinance say that he is to cease putting junk onto these properties? Attorney Kansler stated the order by the magistrate which was upheld by Judge Ober cited him for a violation and he was fined \$ 1000.00. Ms. Sensue stated that the citizens in this area have been going through this now for about ten years. It just gets worse. Supervisor Merdian stated we are doing what we can through the legal system. This is something that is high up on our list. We are investing our time and money into this to do our best to fix this situation. Attorney Kansler stated that we have created a plan, unfortunately we can't address everything at the same time because it's expensive, we will do what we can at the pace we can afford to do so.

## Report from Recreation Director, Janet Schork

### Crabapple Pool:

- We have begun our spring pool opening procedures. We will begin the pool floor patching next week along with some minor maintenance to the diving boards. Once we receive the paint from our pool supplier and our pool employees are available, we can begin painting.
- Pool Memberships now available at the Recreation Center and on the Website.
- Swim Lessons:
  - Swim Lessons will once again be offered during the 2017 season at Crabapple Pool with the program fee of \$65.00 per session/per child with a Resident rate of \$60.00 per session/per child. Details are as follows:
    - (2) five week sessions on Mondays from 7:15pm to 8pm.
    - Session One is from June 6 to July 3<sup>rd</sup> from 7:15pm – 8:00pm
    - Session Two is from July 11 to August 8
- Crabapple Park
  - Herminie Boy Scout Troop 259 has requested use of the large pavilion at Crabapple Park at no cost each Thursday evening from June 12, 2017 through September 7, 2017. In lieu of payment for facility use, the Boy Scouts will be assisting Park Maintenance perform Lake and Park cleanup on a date to be determined.
- Easter Egg Hunt:
  - Thanks to the generous donations from local businesses and residents, we were able to provide candy and prizes to over 180 children at our annual Easter Egg Hunt. Thank you to the recreation board and our township businesses!
- Rabies Clinic
  - Our annual Rabies Clinic at the Crabapple Lake Large Pavilion, pending supervisors' approval, has been scheduled for Saturday, May 20, 11:00am - 2:00pm. Cost is \$11/per animal
- Pet Waste Station
  - We will be installing (3) three pet waste stations at Crabapple Park in May.

Supervisor Merdian stated that he would like to add that we received news from Chrevon today that they would like to make a \$6000.00 dollar donation to the township as part of their community return program. This \$ 6000.00 is going to be applied to the repairs necessary for the Library parking lot.

Joe Kerber made a motion, seconded by Alan Fossi to approve the minutes of the Sewickley Township Board of Supervisors Regular Meeting held on March 15, 2017. Voting: Mr. Merdian, Mr. Kerber, Mr. Fossi; yes. Motion carried unanimously.

### Public Comment

Paula Slobodnik lives on Slobodnik Road and would like to know if we could get an engineer to look at the road and when are we going to start working on the road. Mr. Kerber stated that the engineer was down there and has not yet gotten back to me. I think we will be able to get it tar and chipped this year. Ms. Slobodnik stated that there is a section of the road that is so bad that you worry about cars getting through and the garbage trucks having trouble. Mr. Kerber stated that we did get some big rock donated to us by a local contractor and we will be putting some rock down in there like we did before. Also, I will need to look into a driveway that might be encroached onto the road. Ms. Slobodnik stated that the gully is so bad on both sides of the road. Mr. Kerber stated that the driveway encroaching onto our roadway was a concern that the engineer had.

Sandy Dull stated that the Business Association is planning a debate. She would like to know if Alan of Mark would like to attend. Mr. Fossi stated that he is not interested. Sandy Dull asked Mr. Kerber if he would like to be Marks proxy since you are supporting him. Mr. Kerber stated no.

Tom Mauntino asked about the addition to the taxes. Was there a public meeting about these tax increases. Mr. Merdian explained the process of how we abolished the street light assessment and established a new tax. We are looking at increasing the number of street lights and fire hydrants throughout the township. How we go about selecting the new locations is yet to be determined. Mr. Mautino stated that he doesn't have a problem paying it but he doesn't have a light. I live on a dark road. Mr. Mautino also asked if there is any additional sewage that is going to be put in to what is already there. Mr. Merdian stated no, but they are looking at adding sewage in the village of Hutchinson.

Linda Harvey wanted to thank the Solicitor for the information on the pending Ordinance regarding the Medical Marijuana establishments. On number 12 of the agenda, I hope that you provide information, cost, the number of homes serviced, some information that people will appreciate. Attorney Kansler stated that this ordinance authorizes the guarantee of these loans. The loan that is going to be taken out by MSATS is going to be a loan that MSATS is paying back through the fees that they generate from the service of sewage. The township is solely limited towards guarantying that debt. If MSATS can't pay it down, the engineer is providing documents showing that they can pay it down and they will pay it down, the township is guaranteeing the debt. They only cost that the township is going to see from this is the paper work to be done by me to prepare the paper work for the loan guarantee to be approved by the state. We would need to prepare the necessary paper work per the DCED. Mrs. Harvey's concern was the cost to the residents and would this come back on the residents of Herminie or Rillton to help fund the Hutchinson project? She also asked how many homes in Hutchy would be affected. Attorney Kansler stated that the engineer would have to make a certification and a representation of the state that the project being constructed can more than cover the costs of what the project will cost and the rate charged will cover the costs of the project. And this is to not be designed for the other residents to pick up the cost. Supervisor Merdian stated that it is MSATS goal to add on the Hutchinson area only if the those numbers are close to what it will take to be successful. We are not looking to create a new rate district and our goal is to see that the residents of Hutcy will see similar rates to everyone else. We have been looking into the numbers for this for a few years now. Mr. Merdian stated that there are approximately 140 homes in Hutchinson.

Margaret Sensue would like to know how we can find out more about who is running for township Supervisor other than the debate. A resident stated just talk to them, the majority of them are here tonight. Supervisor Merdian stated that we will save this conversation for after the meeting.

Joe Kerber made a motion, seconded by Alan Fossi to disburse 2016 EMS Tax funds on behalf of Lowber Volunteer Fire Company as follows:

S & T Bank – mortgage payment	\$ 602.25
Premier Safety & Service – air packs	\$ 1,935.96
Schulte's Enterprise – inspection & maint on truck	\$ <u>1,036.32</u>
	<b>\$ 3,574.53</b>

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

Joe Kerber made a motion, seconded by Alan Fossi to disburse 2016 EMS Tax funds on behalf of Herminie Volunteer Fire Company as follows:

Webb's Service Center – maintenance truck	\$ 284.15
Southeastern Emergency Equip. – defibrillator pads	\$ 139.75
Palko Truck & Trailer – inspection & maint on truck	\$ 562.79
Varine Slavin – accident & health insurance renewal	\$ 3,061.00

WCCC – training	\$ 155.00
ECM2 – annual renewal for mobile mapping	<u>\$ 2,200.00</u>
	<b>\$ 6,402.69</b>

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

Joe Kerber made a motion, seconded by Alan Fossi to disburse 2016 EMS Tax funds on behalf of Hutchinson Volunteer Fire Company as follows:

Export Tire – tires for fire truck	\$ 2,429.62
Kaza Fire Equip. – maint. on rescue truck	\$ 1,137.66
Palko Truck & Trailer – inspection & maint on truck	\$ 718.40
Control International – maint. on antenna and speaker	<u>\$ 432.00</u>
	<b>\$ 4,717.68</b>

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

Joe Kerber made a motion, seconded by Alan Fossi to disburse 2016 EMS Tax funds on behalf of Sewickley Township Emergency Management as follows:

Esri Inc. – yearly renewal for GIS system	\$ 400.00
Comcast – monthly invoice	<u>\$ 182.66</u>
	<b>\$ 582.66</b>

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

Joe Kerber made a motion, seconded by Alan Fossi to adopt Ordinance No. 4-2017 approving the guarantee of the financing of the Municipal Sewage Authority of the Township of Sewickley's "Village of Hutchinson Sanitary Sewer Project" and authorizing the solicitor to prepare and submit to the Department of Community and Economic Development all documents necessary to comply with the Local Government Unit Debt Act. Supervisor Merdian wanted to state that he and Mr. Fossi are both members of MSATS. That does not prohibit us from voting on this motion. Voting: Mr. Merdian, Mr. Kerber, Mr. Fossi; yes. Motion carried unanimously.

Joe Kerber made a motion, seconded by Alan Fossi to authorize the solicitor to provide the pending Medical Marijuana Establishments Ordinance to the Planning Commission and the Westmoreland County Planning Division and to advertise a hearing on the Ordinance prior to the passage, as required by the Municipalities Planning Code. Voting: Mr. Merdian, Mr. Kerber, Mr. Fossi; yes. Motion carried unanimously.

Bids for the sale of three underlying lots of record part of Tax Map No. 58-07-15-0-060 were received and recorded as follows:

Thomas & Barbara Mignogna	\$ 2,002.00
Dan & Michelle Ilich	\$ 15,252.00

Joe Kerber made a motion to accept the sale of three underlying lots of record being part of Tax Map No. 58-07-15-0-060 to Dan & Michelle Ilich in the amount of \$ 15,252.00. Voting: Mr. Merdian, Mr. Kerber, Mr. Fossi; yes. Motion carried unanimously.

Joe Kerber made a motion, seconded by Alan Fossi to award the following item to Russell Standard Corporation: AE Tack Oil – Delivered @ \$6.78 a gallon. The contract shall be effective April 26, 2017 to April 25, 2018. Voting: Mr. Merdian, Mr. Kerber, Mr. Fossi; yes. Motion carried unanimously.

Joe Kerber made a motion, seconded by Alan Fossi to use Act 13 Impact Fee funds made payable to American Rock Salt in the amount of \$ 27,348.79. Voting: Mr. Merdian, Mr. Kerber, Mr. Fossi; yes. Motion carried unanimously.

Joe Kerber made a motion, seconded by Alan Fossi to adopt Resolution No. 21-2017 authorizing Brian Merdian and the Secretary-Treasurer of the Township to sign any necessary paperwork submitted to the Township by PennDot. Voting: Mr. Merdian, Mr. Kerber, Mr. Fossi; yes. Motion carried unanimously.

Joe Kerber made a motion, seconded by Alan Fossi to authorize payment to S&S Processing in the amount of \$ 4,000.00. This would be used to purchase field dirt for the ballfields at Bruno Field. Voting: Mr. Merdian, Mr. Kerber, Mr. Fossi; yes. Motion carried unanimously.

Joe Kerber made a motion, seconded by Alan Fossi to accept Bill Hause's letter of resignation as the Ordinance Officer for Sewickley Township effective April 13, 2017. Voting: Mr. Merdian, Mr. Kerber, Mr. Fossi; yes. Motion carried unanimously.

Joe Kerber made a motion, seconded by Alan Fossi to approve Resolution No. 22-2017 increasing Janet Schork's hours from 25 per week to 29 per week. This will be effective April 24, 2017. Voting: Mr. Merdian, Mr. Kerber, Mr. Fossi; yes. Motion carried unanimously.

Joe Kerber made a motion, seconded by Alan Fossi to ratify Janet Schork to work over her allotted hours on the payroll dates of March 24, March 31, and April 21, 2017. Voting: Mr. Merdian, Mr. Kerber, Mr. Fossi; yes. Motion carried unanimously.

Joe Kerber made a motion, seconded by Alan Fossi to authorize Herminie Boy Scout Troop 259 use of the Large Pavilion at Crabapple Park at no cost each Thursday evening from June 1, 2017 through September 7, 2017. In lieu of payment for facility use, the Boy Scouts will be assisting Park Maintenance perform Lake and Park cleanup on a date to be determined. Voting: Mr. Merdian, Mr. Kerber, Mr. Fossi; yes. Motion carried unanimously.

Joe Kerber made a motion, seconded by Alan Fossi to authorize the advertisement of Swim Lessons during the 2017 season at Crabapple Pool with the program fee of \$65.00 per session/per child with a Resident rate of \$60.00 per session/per child. Details are as follows:

- (2) five week sessions on Tuesdays from 7:15pm to 8:00pm.
- Session One is from June 6, 2017 to July 3, 2017
- Session Two is from July 11, 2017 to August 8, 2017
- Level 1 – Beginner: Introduction to Water, Fundamental Aquatic Skills
- Level 2 – Intermediate: Stroke Development, Stroke Improvement
- Level 3 – Advanced: Stroke Refinement

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

Joe Kerber made a motion, seconded by Alan Fossi to authorize the use of the Large Pavilion at Crabapple Park on Thursday, May 25, 2017 for the annual Candlelight Vigil from 7:30pm to dusk and to waive any fees that may be involved. Voting: Mr. Merdian, Mr. Kerber, Mr. Fossi; yes. Motion carried unanimously.

Joe Kerber made a motion, seconded by Alan Fossi to authorize the Sewickley Township Recreation Board use of the Large Pavilion at Crabapple Park on Saturday May 20, 2017 from 11:00am to 1:00pm for their Annual Rabies Clinic. Voting: Mr. Merdian, Mr. Kerber, Mr. Fossi; yes. Motion carried unanimously.

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

General Fund:	Checks 8528 to 8542 - \$ 27,930.64 (3/17/17)
	Checks 8543 to 8557 - \$ 18,744.92 (3/24/17)
	Check 8558 - \$ 400.00 (3/28/17)
	Checks 8559 to 8571 - \$ 17,475.48 (3/30/17)
	Checks 8572 to 8591 - \$ 6,108.93 (4/6/17)
	ACH Payments: S&T Bank \$ 5,252.37 (3/15/17)
	First Energy \$ 32.84 (3/28/17)
	First Energy \$ 485.22 (3/29/17)
	First Energy \$ 81.46 (3/30/17)
	S&T Bank \$ 2,487.28 (3/31/17)
	Columbia Gas \$ 221.80 (4/4/17)
	MAWC \$ 2,639.50 (4/17/17)
Light Districts:	ACH Payment - \$ 3,674.17 (4/3/17)
Crabapple:	Checks 4428 to 4429 - \$ 117.43 (3/17/17)
	Checks 4430 to 4432 - \$ 420.19 (3/30/17)
Payroll Invoices:	Check 4831 - \$ 32.40 (3/17/17)
	Check 4834 - \$ 32.40 (3/24/17)
	Checks 4836 to 4838 - \$ 2,738.29 (3/30/17)
	Check 4841 - \$ 32.40 (4/6/17)

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

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

Employees Payroll:	3/24/17 - \$ 11,857.98
	3/31/17 - \$ 10,227.45
	4/7/17 - \$ 10,505.71
	4/13/17 - \$ 15,155.99
	4/21/17 - \$ 11,609.60

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

### **New / Old Business**

Supervisor Merdian would like to state that in the Keep Pennsylvania Beautiful newsletter was a small article about the corner lot on Pike Street in Herminie. It was a nice little news blurb to pass along on how the dilapidated house was torn down and a nice area with a flagpole was put in.

Supervisor Fossi wanted to state that a news article was in the Tribune Review Saturday titled "Westmoreland Bar Honors Young Lawyer, Zachary Kansler". He was recognized as the 2017 outstanding young lawyer by the Westmoreland County Bar Association. This award is given to the young lawyer who best exemplifies outstanding leadership and distinguished service to the legal profession and the community. Mr. Fossi wanted to congratulate Attorney Kansler on this award.

With no further business to come before the Board, Joe Kerber made a motion to adjourn, seconded by Alan Fossi. Voting: Mr. Kerber, Mr. Merdian, Mr. Fossi; yes. Motion carried unanimously. Meeting adjourned at 7:50pm.

Erika Horvat  
Secretary-Treasurer