

West Deer Township
Board of Supervisors
April 20, 2016
6:30 p.m.

The West Deer Township Board of Supervisors held a Public Hearing and their Regular Business Meeting at the West Deer Township Municipal Building. Members present: Jeffrey D. Fleming, Chairman; Richard W. DiSanti, Jr., Leonard Guerre, Shirley Hollibaugh, Joyce A. Romig and Gerry Vaerewyck. Member absent, Rick W. Florentine. Also present were: Daniel J. Mator, Jr., Township Manager; Douglas Happel, representing Griffith, McCague, & Wallace; and Scott Shoup, representing Shoup Engineering.

6:00 p.m. PUBLIC HEARING – CONDITIONAL USE: PAW LUVERS, LLC

- Chairman Fleming opened the public hearing.
- Pledge of Allegiance.
- Roll call taken by Mr. Mator ó Quorum present.
- The public hearing was advertised in compliance with the Law.
- Property posted.
- Adjoining property owners notified via mail.
- Court Reporter present.

A conditional use is a permitted use as listed in the Zoning Ordinance in the SU ó Special Use Zoning District, Section 23.4.21 for Paw Luvers, LLC. After review and recommendation by the Planning Commission, the Board of Supervisors can place additional reasonable conditions on this permitted use this evening.

The public hearing is for a conditional use for Paw Luvers, LLC to operate a dog kennel/boarding/doggie daycare facility located at 6 McIntyre Road, Gibsonia, PA 15044. Property is zoned SU Special Use Zoning District.

The Planning Commission recommended approval for the conditional use at their February 25, 2016 meeting with the following conditions:

1. Comply with the recommendations from Fire Chief Josh Weigand's attached letter dated February 9, 2016.
2. Meet the conditions set forth in Zoning Ordinance #394, Section 23.4.21.C in regards to the opaque fencing.
3. Dogs to be limited outside between the hours of 7:00 a.m. to 7:00 p.m.
4. If any complaints arise with the operation, it is up to the Zoning Officer's discretion to take the matter before the Board.

At this point, the floor was opened for public comment. Chairman Fleming asked all those who are interested in speaking this evening, to please rise to be sworn-in. The court reporter swore-in all those individuals. **THE COURT REPORTER WAS PRESENT TO TRANSCRIBE THE HEARING.**

- Mr. John Mann, Deer Creek Road, speaking on behalf of neighbors in the area that couldn't make the meeting ó Opposed due to the possible noise, barking, and smell in the area.
- Ms. Debbie Dunn, Havencrest. ó Opposed due to the possible noise, barking, and odor in the area. Commented she already has eleven dogs in her neighborhood and hears barking all day long. She feels the dog kennel will have twelve hours of barking.
- Applicant/owner Emily Murphy was present and addressed the concerns of the residents regarding the noise levels of the dog kennel and the odor. She explained they wanted to be good neighbors and do not want to cause any problems. She addressed the specific issues by stating:

- They clean up after the dogs multiple times during the day.
 - A sound Engineer submitted a report.
 - A kennel attendant will be accompanying the dogs throughout the day.
 - They will install a sound proofing barrier on the chain link fence in addition to the natural barrier of the concrete block building.
 - They are trained in the behavioral requirements of dogs.
 - They take serious consideration of noise pollution and sanitation.
- Mr. David Turner, building/property owner, was present and commented that this is a business with regulations and the dogs will not be left outside like a residential neighbor does. He mentioned that the specific schedule is from 7:00am to 7:00pm, and is regulated. Mr. Turner also mentioned:
 - The back side of building will be used as a dog run. Mr. Payne submitted a picture of the back side of the building.
 - The site location is on four acres.
 - The building is air conditioned.
 - The property is zoned SU ó Special Use ó and dog kennels are a permitted use in that district.
 - They will have to pass the State Dog Warden's inspections.
 - There are no adjacent residential properties in West Deer.
 - Dog waste will be picked up in a timely manner, air tight plastic bags will be used, and they will go in the dumpster.
 - Various questions and/or comments followed from Dr. DiSanti, Mr. Guerre, Mr. Payne, Mr. Vaerewyck, and Mr. Mator.
 - Mr. Earl Fish, Aber Road, stated he was not against the kennel but commented that, in the past, there were complaints/noise when there was a concrete stone plant nearby.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Romig to approve the Paw Lovers, LLC Conditional Use as per the recommendation by the Planning Commission with the above listed conditions. Motion carried unanimously 6-0.

ADJOURNMENT/PUBLIC HEARING:

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Guerre to adjourn the public hearing at 6:30 p.m. Motion carried unanimously 6-0. Public hearing adjourned.

OPEN REGULAR MEETING

Chairman Fleming opened and welcomed everyone to the meeting.

PLEDGE OF ALLEGIANCE

Roll Call taken by Mr. Mator ó Quorum present.

Mr. Happel announced the Board held an Executive Session to discuss the Forbes litigation matter and also discussed employee matters.

REGISTERED COMMENTS FROM THE PUBLIC

- Mr. Michael Foreman, Department of Community and Economic Development (DCED), was present and discussed the technical assistance the state agency could render in the possible update to the Township's Home Rule Charter. He stated he could serve as a neutral and impartial reviewer of the existing Home Rule Charter from 1976, and that he could provide feedback for updates or provisions.

He explained the differences between the Second Class Township Code and Home Rule Charter municipalities. One item he mentioned was the flexibility of taxation and the importance of referenda. Mr. Foreman also mentioned that certain State Laws cannot be superseded by a Home Rule Charter.

Mr. Foreman advised the Board that an amendment of the Home Rule Charter is initiated either by the Board of Supervisors or by a citizen initiative through petitions. He added that a review of the Home Rule Charter provides an opportunity to engage the public and make the process educational and informative. In turn, Mr. Foreman stated, everyone can understand what our Charter has, what it did have, and what it may have in the future.

After questions/comments, the Board thanked Mr. Foreman for attending the meeting and explaining the DCED's review process of the Home Rule Charter. Mr. Foreman stated he will await word from the Township on whether it chooses to accept DCED assistance.

COMMENTS FROM THE PUBLIC

Chairman Fleming asked if there were any comments at this time on the agenda and public-related items and if so, asked the public to please approach the microphone, clearly state their name and address, and limit their comments to five (5) minutes.

- Mr. Robert Schiavone, Cedar Glen Drive.
 - Mr. Schiavone addressed the Board regarding the condition of the roads in the Cedar Ridge Plan (second half of the plan) that was not completed when the first half was paved a few years back. He asked if there was any way to get the second half paved in the near future. Mr. Mator responded that the Board was aware of the conditions, but that budgetary constraints prohibit the paving. He explained that the Township has over \$7 million of roadwork that needs completed, but that the Budget has never been more than \$1 million for roadwork in a given year. Therefore, the Board is faced with prioritizing each year. Mr. Mator also mentioned that ó given the current schedule ó the second half of the Cedar Ridge Plan could be completed in 2019.

- Mr. Scott Woloszyk, Shuster Road.
 - Mr. Woloszyk addressed the Board regarding Clean-Up Day and the involvement this year. Mr. Vaerewyck asked the day and time of the event, and Mr. Mator responded that Clean-Up Day is April 30th this year, with a 9:00am arrival at the Municipal Building and 10:00am start.

ACCEPT MINUTES

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Hollibaugh to accept the minutes of the March 16, 2016 meeting as presented. Motion carried unanimously 6-0.

MONTHLY FINANCIAL REPORT: Mrs. Nardis read the following Finance Officer's Report.

TOWNSHIP OF WEST DEER
FINANCE OFFICER'S REPORT
March 31, 2016

I - GENERAL FUND:

	<u>March</u>	<u>YTD</u>	<u>% of Budget</u>
Revenues	219,845.24	1,323,399.33	22.60%
Expenditures	311,043.14	902,995.53	15.42%

Cash and Cash Equivalents:

Sweep Account		<u>560,584.49</u>	
			<u>560,584.49</u>

II - SPECIAL REVENUE FUNDS

Cash and Cash Equivalents:

Street Light Fund:

Sweep Account - Restricted		5,909.46	
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Fire Tax Fund:

Sweep Account - Restricted		19,655.25	
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State/Liquid Fuels Fund:

Sweep Account - Restricted		<u>499,891.09</u>	
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525,455.80

Investments:

Operating Reserve Fund:

Sweep Account - Reserved		575,807.52	
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Capital Reserve Fund:

Sweep Account - Reserved		<u>346,752.60</u>	
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922,560.12

III - CAPITAL PROJECT FUNDS:

Cash and Cash Equivalents:

		<u>0.00</u>	
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0.00

TOTAL CASH BALANCE 3/31/16

2,008,600.41

Interest Earned March 2016

178.39

Restricted - Money which is restricted by legal or contractual requirements.

Reserved - Money which is earmarked for a specific future use.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Guerre to approve the Finance Officer's Report as submitted. Motion carried unanimously 6-0.

LIST OF BILLS

Best Wholesale Tire Co., Inc.....	1096.70
Beth's Barricades	460.00
Culverts, Inc.....	6760.00
Galls LLC	350.77
Griffith, McCague & Wallace, PC	2270.50
Hei-Way, LLC.....	4178.27
Jordan Tax Service, Inc.....	2327.83
Krigger & Co.	339.99
Markl Supply.....	2217.44
Naccarati Contracting, Inc.	72688.50
Neville Terminal Services LLC.....	2795.87
North Eastern Uniforms & Equip Inc	656.79
North Hills COG CATV Fund	3779.11
Office Depot.....	543.37
Shoup Engineering Inc.....	18170.00
Staley Communications	183.47
Toshiba Financial Services	667.79
Trib Total Media	558.72
Walsh Equipment	5271.60
Wine Concrete Products, Inc.....	2360.70

MOTION BY Supervisor Guerre and SECONDED BY Supervisor DiSanti to pay the List of Bills as submitted, and all approved reimbursable items in compliance with generally accepted accounting practices. Motion carried unanimously 6-0.

UTILITIES & PAYROLL

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Hollibaugh to pay utilities and payroll from April 21, 2016 to May 18, 2016. Motion carried unanimously 6-0.

POLICE CHIEF'S REPORT

Chief Lape was present and provided a summary report on the Police Department for the month of March 2016. Questions/comments followed. A copy of the report is on file at the Township.

BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER'S REPORT

Mr. Bill Payne was present and provided a summary report on Code Enforcement for the month of March 2016. Questions/comments followed. A copy of the report is on file at the Township.

PARKS & RECREATION BOARD REPORT

Mrs. Beverly Jordan, Chairwoman, was present and reported on the Parks & Recreation Board:

- Last meeting: March 23, 2016
- Bow & Arrow Clinic: June 26, 2016 @ 1 pm (no lacrosse clinic)
- Senior Luncheon: May 26, 2016
- 80¢ in the Park: June 24, 2016 (ordering new signs)
- Community Days meeting
- Next meeting: April 27, 2016 at 7 pm

ENGINEER'S REPORT

The Board received the Engineer's Report submitted by Shoup Engineering, Inc. Mr. Scott Shoup represented Shoup Engineering, Inc., and summarized his meeting attendance and details of his formal report:

DEVELOPMENTS/PROJECTS

- 2016 Road Improvement Project ó Contracts with Liberoni, Inc. and Youngblood Paving have been executed for the hot-mix and cold-mix paving projects.
- Curtisville Plan No. 1 Storm Sewer Project ó Contracts for this project have been executed and Nacaratti Contracting began work on this project on March 1, 2016.
- Development/Subdivision Reviews:
 - Bergonzi Plan of Lots ó Preliminary and Final Subdivision reviews dated March 18, 2016, March 28, 2016 and April 13, 2016.

RESOLUTION NO. 2016-7: VACANT PROPERTY (FORD STREET)

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF WEST DEER ACKNOWLEDGING THAT THE ACQUISITION AND SUBSEQUENT DISPOSITION OF PARCEL WITH LOT AND BLOCK NUMBER 1838-P-225 WOULD BE IN ACCORDANCE WITH THE COMPREHENSIVE PLAN OF THE MUNICIPALITY.

Property location ó Vacant Lot / Ford Street
Mr. Payne explained the property/vacant lot.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Guerre to adopt Resolution No. 2016-7 acknowledging that the acquisition and subsequent disposition of parcel with Lot and Block number of 1828-P-225 would be in accordance with the Comprehensive Plan of the Municipality. Motion carried unanimously 6-0.

RESOLUTION #2016-8: BERGONZI PLAN OF LOTS & PLANNING MODULE

The Planning Commission approved the Bergonzi Plan of Lots at their March 24, 2016 meeting. This is a three lot subdivision located at 218 East Union Road in the R-2 Semi Suburban Residential Zoning District.

Property measures 23.9313 acres

- Lot 1 = 0.6509 acres (28,355 sq. ft.)
- Lot 2 = 0.9123 acres (39,738 sq. ft.)
- Parcel A will be a residual lot measuring 22.9312 acres (974,354 sq. ft.)

The Planning Commission voted to recommend approval of the Bergonzi Plan of Lots contingent upon meeting the requirements of the Engineering review letter dated March 18, 2016. The Board also received the review letters dated March 28, 2016 and the April 13, 2016 which indicated the plan has adequately addressed the comments contained in Mr. Shoup's March 28th review letter.

Mr. Shoup also reviewed the PA Department of Environmental Protection Planning Module documents prepared for the subdivision and found the same to be satisfactory and therefore recommended the Township approve the Resolution.

RESOLUTION NO. 2016-8 6 THE PA DEP SEWAGE FACILITIES PLANNING MODULE FOR THE BERGONZI PLAN OF LOTS.

MOTION BY Supervisor Guerre and SECONDED BY Supervisor Hollibaugh to approve the Bergonzi Plan of Lots as per the Planning Commission's recommendation and adopt Resolution No. 2016-8 which is the Resolution for the PA DEP Sewage Facilities Planning Module for the Bergonzi Plan of Lots. Motion carried unanimously 6-0.

ALLISON PARK CONTRACTORS – WORKSHOP BUILDING #2

The Planning Commission also approved the Allison Park Contractors 6 Workshop Building #2 Site Plan at their March 24, 2016 meeting. The site plan is to construct an additional storage building measuring 2800 sq. ft. at 4383 Gibsonia Road. Zoning District: SU (Special Use).

The Planning Commission recommended approval of the Allison Park Contractors 6 Workshop Building #2 subject to addressing all points of the Engineering review letter and the Planning Commission.

The Board received the April 13, 2016 review letter indicating Mr. Shoup's comments contained in his March 22, 2016 review letter have been adequately addressed.

The development is, however, subject to a Traffic Impact Fee in the amount of \$301.06 which must be paid at the time of the building permit application.

After some questions, MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Guerre to approve the Allison Park Contractors 6 Workshop Building #2 Site Plan as per the Planning Commission's recommendation and subject to the Traffic Impact Fee in the amount of \$301.06 be paid at the time of the building permit application. Motion carried unanimously 6-0.

RESOLUTION #2016-9: DEER LAKES PARK SMALL FLOW SEWAGE TREATMENT FACILITY PLANNING MODULE

RESOLUTION #2016-9 IS A RESOLUTION FOR THE PA DEP SEWAGE FACILITIES PLANNING MODULE FOR A SMALL FLOW TREATMENT FACILITY AT DEER LAKES PARK LOCATED NEAR THE SPRAY PARK.

The Board also received a letter from Mr. Shoup dated April 13, 2016 indicating he has reviewed the Pennsylvania Department of Environmental Protection Planning Module and found it to be acceptable. If the Operations and Maintenance Agreement which accompanies the Planning Module is in a position to be approved, Mr. Shoup would recommend that the Township adopt the Resolution for the Planning Module.

Mr. Shoup commented on the Planning Module. Mr. Happel indicated he drafted the Installation and Maintenance Agreement, and that Mr. Shoup also reviewed it. He mentioned that, at this time, it is being reviewed by the Allegheny County and the DEP. Mr. Happel said it can be approved as presented, but if there are material changes or additions made by the County or DEP, it will come back to the Board.

Representatives from ALCOA were present as well as County Planning officials. Dr. Jaw Fu of Alcoa Technology explained the project and the system to the Board. The location will be on the upper and lower parking lot near the spray park.

Mr. Vaerewyck expressed concern regarding the County and DEP's position supporting this venture, yet pushing residents to connect to sewer lines rather than septic systems. He stated he felt this is a septic system and that the County should be required to tie into the local sewer instead. Dr. Fu corrected Mr. Vaerewyck and stated that this system is different from a septic system.

Supervisor Vaerewyck also added that the area is prone to flooding, but was corrected by members of the Board regarding the location of the facility.

Supervisor DiSanti asked Mr. Shoup his thoughts, and Mr. Shoup stated he supported the project and that he saw no issues with it. Dr. DiSanti then mentioned he was impressed by the innovative nature of this project.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Hollibaugh to adopt Resolution #2016-9 which is the Resolution for the PA DEP Sewage Facilities Planning Module for a Small Flow Sewage Treatment Facility at Deer Lakes Park. Members voting yes, Mrs. Romig, Mr. Guerre, Mrs. Hollibaugh, Dr. DiSanti, and Mr. Fleming. Member voting no, Mr. Vaerewyck. Motion carried, 5 yes and 1 no.

DEER LAKES PARK AGREEMENT FOR INSTALLATION & MAINTENANCE OF SMALL FLOW TREATMENT FACILITY

Once again, Mr. Happel indicated the agreement is under review by the Allegheny County and the DEP and if there are any changes, it will come back to the Board for approval.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Hollibaugh to approve the Agreement for the Installation & Maintenance of the Small Flow Treatment Facility at Deer Lakes Park. Members voting yes, Dr. DiSanti, Mrs. Romig, Mr. Guerre, Mrs. Hollibaugh, and Mr. Fleming. Member voting no, Mr. Vaerewyck. Motion carried, 5 yes and 1 no.

COPPER CREEK DEVELOPER'S AGREEMENT

The Board received a copy of the Developer's Agreement for the Copper Creek Plan.

The Supervisors approved the Copper Creek Plan at their January 20, 2016 meeting. The subdivision is located on McIntyre Road to construct twenty-nine lots. Twenty-seven lots will be duplex style patio home, and two lots will be single-family detached homes. The property is in the R-2 Semi-Suburban Residential Zoning District.

Both Mr. Happel and Mr. Shoup reviewed and recommended the Developer's Agreement.

Mr. Happel commented that the Developer's Agreement was presented to the Developer's council and that he is still waiting for her response. He advised that the Board can approve the agreement in its current form, and that if there are material changes it will come back to the Supervisors to be reviewed again.

MOTION BY Supervisor DiSanti and SECONDED BY Supervisor Guerre to approve the Developer's Agreement for the Copper Creek Plan contingent upon any changes that may be presented from the Developer and be further reviewed. Motion carried unanimously 6-0.

ORDINANCE NO. 408: GENERAL CODE CODIFICATION

ORDINANCE NO. 408

AN ORDINANCE OF THE TOWNSHIP OF WEST DEER TO APPROVE, ADOPT, AND ENACT CODIFICATION; TO PROVIDE FOR THE REPEAL OF CERTAIN LEGISLATION NOT INCLUDED THEREIN; TO SAVE FROM REPEAL CERTAIN OTHER LEGISLATION NOT INCLUDED THEREIN; AND TO PROVIDE PENALTIES FOR TAMPERING WITH THE CODE.

Mr. Vaerewyck commented he feels this needs to be reviewed by a Committee of this Board prior to a vote passing it through for a number of reasons. He stated that certain ordinances are stated as being repealed because they have been superseded by State Law. Supervisor Vaerewyck asked Mr. Happel if an ordinance was enacted and enforced prior to a State Law being enacted, wouldn't the Township ordinances still be valid until amended?

Mr. Happel replied that he reviewed the Ordinance and the sections that are listed to be repealed. He explained that he agreed with the wording of the Ordinance, and cited the four ordinances in question. Mr. Happel added that it was his opinion that those particular ordinances are indeed correctly superseded:

- É One is superseded by County Law.
- É Two are repealed because they are obsolete because both have expired.
- É One covers trailers and campgrounds, which is now included in the new Zoning Ordinance.

Supervisor Vaerewyck commented on a conflict between other adopted ordinances and the Township Charter, then asked for an explanation of why the Ordinance includes Section 1-13: Altering or tampering with Code; violations and penalties. He asked what the intent was.

Mr. Mator responded that the provision exists to define violations and penalties so that someone cannot go into the files and, for instance, replace a page or change language of filed copies of passed ordinances. Mr. Vaerewyck then asked if that would apply if someone misstated an ordinance in public. Mr. Happel and Mr. Mator answered that misstating an ordinance is not a violation, but that the provision covers physical tampering with the Code.

Dr. DiSanti questioned Section 1-11 (code books to be kept up-to-date). Mr. Mator explained the process of copies of newly-passed ordinances being sent to the County Law Library and General Code. General Code would then update the online Code and send the administration replacement pages with directions of where exactly to place them in the hard copies of the Code of Ordinance books.

Supervisor Vaerewyck asked if that provision would preclude us from keeping sequential records of ordinances, but Mr. Mator responded that it does not. The Township would still keep sequential records of ordinances passed in the Township files.

At this time, Chairman Fleming brought up the disagreement that took place at the prior meeting regarding this matter. Since Mr. Mator was away at a conference that evening, Mr. Fleming asked Mr. Mator to explain the whole process and what this new Ordinance meant.

Mr. Mator explained and summarized the process of the recodification begun by Keystate Publishing and then transferred to General Code when the owner of Keystate passed away and the company was dissolved. He added that General Code was already contracted by the Board to handle the Township's online services, and therefore made the most sense to complete the project.

Mr. Mator then clarified exactly why the Township needs this Ordinance. He explained that the Code of Ordinances is every ordinance passed by the Board, and that every ordinance after 2008 (the last year the Code was restated (recodified) was not included in the current Codebook. This created a situation where the residents would have incorrect or outdated information if they were to search the existing Codebook. Furthermore, the current Codebook was physically too small, and could no longer fit any more updates.

Mr. Mator addressed the disagreement that took place the meeting before, and explained to everyone in attendance that the Ordinance in question was not the creation of any member of the Board, the Solicitor, or himself. He further clarified by saying that the Code is a compilation of all the ordinances, and that each of those ordinances had already been passed at public meetings by the Board of Supervisors. So there was nothing new being added, he said, and simplified it all by stating the Ordinance on the agenda was nothing more than the old Codebook, plus all the ordinances passed since 2008, minus all the repealed/superseded ordinances, and with minor grammatical (such as a missing comma) and spelling corrections if General Code found any. Mr. Mator said this was all in an effort to give the residents the most accurate information possible.

Chairman Fleming asked Mr. Mator if this project was a paid service, and Mr. Mator said it was. The Township had paid approximately \$8,000 to have the project completed, and he explained that the Township would never pay \$8,000 to simply have pages added, but that we paid for those pages *plus* the aforementioned editorial work. Mr. Mator stated that General Code is staffed with attorneys who specialize in constitutional and code law, and that they are well-respected in the field.

Mr. Happel also spoke to the credibility of General Code and indicated General Code did the codification for the County and numerous other municipalities.

Mr. Mator added that not only was General Code handling the Codebook and the online Code, but that the Board also recently contracted with them to create the Code Enforcement solution for the Township, Municipality. He said that having all three covered by one company creates a seamless network between the three.

Mr. Vaerewyck then questioned Section 1-7: Interpretation of Provisions. He stated that the first sentence of that Section is almost identical to a separate section in our Charter, and that we had slipped this section into the Ordinance which he felt changes the meaning. He added that he feels it should follow the wording of the Charter.

Mr. Mator explained that he heard the same type of discussion came out at the last meeting, and that he wanted to be sure everyone understands that the Charter was not touched. He asked everyone in attendance to understand that there is a difference between the Charter and the Code, and that they are two completely different documents.

Supervisor Vaerewyck still contended that the meaning would be changed if the language of the Ordinance did not match that of the Charter. Mr. Mator reiterated that the Charter and the Code are separate documents, and explained that the language used in the Code by General Code's attorneys is boilerplate language placed in there for a reason. Mr. Happel also differentiated between the two documents and stated that the aforementioned boilerplate language did not interfere with the Charter.

Mr. Vaerewyck then stated that he disagreed with the quotes and editor's notes at the front of the draft Codebook. Mr. Mator clarified that those quotes and notes were already removed. Supervisor Vaerewyck responded that he still saw them in the draft, but Mr. Mator explained that the draft was for the Township to

review. Once the Township made its review, the Ordinance in front of the Board was drafted to be voted upon.

Supervisor Vaerewyck asked what exactly the Board was voting upon. Mr. Mator answered that the Board was voting upon the Ordinance, which had every difference between the old Code and new Code listed to make it simple for the Board to understand what differences existed. He added that if for whatever reason some change was made to the Code that was not listed in the Ordinance before the Board, then that change would not be law. Mr. Happel concurred.

Additional discussion was held between Supervisor DiSanti, Supervisor Vaerewyck, Mr. Happel, and Mr. Mator regarding clarification of the aforementioned Section 1-7 issue.

At this time, Mr. Mator pointed out a typographical error in the Ordinance that did not affect its meaning. He explained that Section 1-3. Inconsistent legislation repealed B (7) says Former Ch. 189, Taxation, Article XII. Mr. Mator indicated the article number is actually Article XIII and will be corrected. Mr. Vaerewyck objected to the correction.

MOTION BY Supervisor Dr. DiSanti and SECONDED BY Supervisor Mrs. Hollibaugh to adopt Ordinance No. 408 approving, adopting, and enacting codification; to provide for the repeal of certain legislation not included therein; to save from repeal certain other legislation not included therein; and to provide penalties for tampering with the code and to advertise the ordinance in accordance with all applicable laws. Members voting yes, Mrs. Hollibaugh, Mr. Guerre, Mrs. Romig, Dr. DiSanti, and Mr. Fleming. Member voting no, Mr. Vaerewyck. Motion carried, 5 yes and 1 no.

PUBLIC WORKS/ZERO TURN MOWER

The Township received three quotes for a new zero turning mower:

- 1) J&J Power Equipment (Ferris) \$10,299.00
- 2) Critchlow Enterprises, Inc. (Gravely) \$10,676.66
- 3) Vettori LP (Hustler) \$11,332.52

The Public Works Committee discussed the purchase of a new mower. The recommendation of the Committee was to purchase either the Gravely or the Hustler.

Mrs. Romig indicated parts are readily available at Critchlow for the Gravely. Chairman Fleming stated he looked at the old mower and explained the necessary repairs to the old mower such as: using oil, leaking antifreeze, engine short. He suggested the Hustler.

Mr. Vaerewyck suggested getting three competitive bids on the Hustler mower from three different dealers. The Board agreed and this item will be on next month's agenda.

ANNOUNCEMENTS

2016 WEST DEER COMMUNITY SPRING CLEAN-UP DAY

The event has been set up to collect trash and debris around the Township as a community. Saturday, April 30th Please arrive at 9 am at the Township Building for a 10 am start. The rain date will be Saturday, May 7th.

WEST DEER DOG SHELTER RABIES CLINIC

Saturday, May 28, 2016 2 pm to 4 pm
Cost: \$10.00 -- Proceeds benefit the West Deer Dog Shelter

WEST DEER TOWNSHIP GOLF SCRAMBLE

Benefits the West Deer Police K-9 Unit & D.A.R.E. Program
May 13, 2016 -- 9 a.m. Shotgun Start
Pheasant Ridge Golf Course
Four Man Scramble -- \$85/golfer

COMMITTEE REPORTS:

The Committee Chairperson reported on their Committee updates:

- 1) Mr. Florentine ó Engineering & Public Works Committee -- ABSENT
- 2) Dr. DiSanti ó Financial Legal, and Human Resources Committee
- 3) Mr. Vaerewyck ó EMS Oversight Committee

OLD BUSINESS:

- Mr. Vaerewyck questioned as to where the new web site is? Mr. Mator indicated the web site is done but right now the staff is going through it for corrections/issues. Mr. Vaerewyck indicated the old web site now doesn't have the 2016 Budget posted and no solicitations are posted.
- Mrs. Hollibaugh reported she attended the two MRM Trust meetings at the Seven Springs Conference and the Township received one check for our Workers Compensation for \$31,400.78 and one for our Liability Insurance for \$47,191.96/dividend checks. Mrs. Hollibaugh brought back a total of \$78,592.74. Mrs. Hollibaugh also indicated they had a meeting with U.S. Attorney David Hickman on the drug abuse problem in Pennsylvania and that Carnegie Mellon puts out a program/play for a cost of \$500.00 and they said it would be good for every police department/ every school to show this program to the kids. Mr. Hickman said it's amazing and very impressive. Also there were reports from the County Executive, County Council, and Public Utilities. Mrs. Romig also attended the conference and reported there were Senators and Representatives from the State at the conference ó they took questions and she stated it was very informative.
- Mrs. Hollibaugh also attended the ACATO meeting, discussed the banner communities and they asked her to be 2nd Vice President and she accepted the position.
- Mr. Mator received an email from the School District's Solicitor that said they are not interested in exchanging parcels of property with the Township, however, the School Board is prepared to convey the property upon which the ambulance service building is located in exchange for a deed from the ambulance service giving the district a deed regarding any interest they may have involving the use of the district property for a helicopter pad. In addition, the ambulance service at this time also agreed to provide free ambulance service to the School District whenever needed including football games.

NEW BUSINESS:

- None.

SET AGENDA/REGULAR BUSINESS MEETING

May 18, 2016
6:00 p.m. ó Executive Session
6:30 p.m. ó Regular Business Meeting

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Executive Session Held
5. Registered Comments from the Public
6. Comments from the Public
7. Accept Minutes
8. Monthly Financial Report
 - A. Finance Officer's Report
 - B. List of Bills
 - C. Utilities & Payroll
9. Police Chief's Report
10. Building Inspector/Code Enforcement Officer's Report
11. Report from the Parks & Recreation Board
12. Engineer's Report
13. MS4/Memorandum of Understanding
14. Old Business
15. New Business
16. Set Agenda/June 15, 2016
17. Comments from the Public
18. Adjournment

Item Added:

*Zero Turn Mower

COMMENTS FROM THE PUBLIC:

Chairman Fleming asked if there were any comments at this time on the agenda and public-related items and if so, asked the public to please approach the microphone, clearly state their name and address, and limit their comments to five (5) minutes.

- Mr. Jim Cesnick, Michael Road
 - Mr. Cesnick commented on the trees cut on Bairdford Road, and thanked Mr. Payne for a job well done.
 - Mr. Cesnick also thanked Mr. Mator for explaining the Code Ordinance.
 - Mr. Cesnick commented on purchasing equipment. Suggested following the three rules of Form, Fit, & Function and suggested maintenance agreements.
- Mr. Franklin Nicolazzo, Curtisville
 - Mr. Nicolazzo commented on maintenance work needed for Benjamin Street and the bridge on Benjamin Street.

ADJOURNMENT:

MOTION BY Supervisor Hollibaugh and SECONDED BY Supervisor Vaerewyck to adjourn the meeting at 8:45 p.m. Motion carried unanimously 6-0. Meeting adjourned.

Daniel J. Mator, Jr., Township Manager