

**TOWNSHIP OF NORTH HUNTINGDON, BOARD OF COMMISSIONERS
REGULAR MEETING, WEDNESDAY, JANUARY 20, 2010, 7:00 P.M.
11279 Center Highway, North Huntingdon, Pa 15642
Presiding Officer – Lee D. Moffatt, President, Board of Commissioners**

CALL TO ORDER

Mr. Moffatt called the meeting to order at 7:00 P.M.

ROLL CALL

Commissioner Herold	Absent
Commissioner Haigis	Present
Commissioner Patter	Present
Commissioner Gray	Present
Commissioner Martino	Present
Commissioner Austin	Present
Commissioner Moffatt	Present

Also Present:
John M. Shepherd
Craig Alexander
Michael M. Turley
Chief Daugherty
Richard G. Albert
Andy Blenko
Dan Miller

PLEDGE OF ALLEGIANCE

OPENING PRAYER

Reverend Don Hezlep of Life Spring Community Fellowship gave the opening prayer.

CITIZENS' INPUT

Dan Berry, 9679 Laurel Avenue: In 1999 he put up a fence and in 2002 he was charged by Justice Medich and Justice Weimer. He has been put through everything by Mr. Alexander. In 2005, he was before Mr. Weimer and Mr. Alexander was there and he had to sign papers to make monthly payments of \$100.00. A couple years ago when Justice Weimer was on sick leave, Mr. Delbene closed his case. When Justice Weimer came back, he had the case reopened. He has been harassed, threatened and he wants it stopped. Mr. Alexander has lied to the courts saying he put up political signs up instead of taking the fence down, but the fence was taken down.

RESPONSE TO CITIZENS' INPUT

Dan Berry

Mr. Martino said the fence was put up in 1999 and the fence isn't there anymore but he is still being harassed.

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Mr. Berry said he is still making payments on the fine for the fence. Frank Delbene closed his case and Mr. Weimer took it to the court to Judge Blahovich. He went up to the court this spring and he received a letter from them that in order to close the case, he would have to contact the Township Solicitor. His fence was legal to begin with as other people in the Township have that same fence. Whenever he went in front of Martha Medich, he was told to shut up. His lawyer at the time was called away and the case was to be continued but it never was. Mr. Alexander keeps pressing to have him incarcerated and it has to stop. He has gotten a criminal record over this fence and he has been harassed by a constable that works for the Township and Justice Weimer's office. When he goes to the magistrate to have this stopped, they tell him to go see the Township. He has gone to Mr. Blenko and Mr. Evers and nothing has been done for him.

Mr. Moffatt asked what the total fines were now.

Mr. Berry said he owes about \$5,200. Mr. Alexander was there in 2005 when he signed the papers and he wanted him incarcerated. Mr. Weimer could have stopped it but he didn't. Mr. Weimer holds a vendetta against him because when Mr. Weimer was running against Mr. Caruthers, he had a sign in his yard for Mr. Caruthers. Mr. Weimer was trying to get votes in Country Hills and wanted to put a sign in his yard. Mr. Weimer said the Township owned his property but they don't. Mr. Alexander told the courts that his house is in his name only and he wants to see that proof. He has asked for the proof for eight years but no one has showed him. He had to take out a home equity loan to pay the fine. The fence is down, but Mr. Alexander told the court he didn't take the fence down and he wanted the posts removed. He had the same fence up that other people in the Township have. He still has the posts up and he put a political sign up that Mr. Alexander went to the courts about and he had to take them down.

Mr. Gray asked if the \$25,000 was a fine imposed by Magistrate Weimer.

Mr. Berry said it was imposed by Martha Medich and it then went to Weimer who said he could drop it or get something done. That is when Mr. Alexander came in to the picture.

Mr. Gray said the fine was put on him for violating an Ordinance. He asked what he meant about Mr. Delbene closing the case.

Mr. Berry said he came up with a lump sum of \$2,200 that would close it. When Mr. Weimer came back in office, he went to the County Court and it was all reinstated. In 2005, his mother died and he went to Mr. Weimer's office in February 2006 to turn himself in to go to jail. Mr. Weimer didn't want to be bothered and told him not to come back unless he had money. He asked Mr. Alexander for the proof stating the home is in his name.

Mr. Moffatt said he's not sure they can do anything.

Mr. Berry said he needs a letter from the Township saying the case is resolved and he wants his name cleared. He called for the resignation of Bruce Dice & Associates tonight. The Tribune Review asked why he was trying to damage a man's reputation. He sent a letter to John Peck in April and he has never responded.

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Mr. Moffatt told him he was taking the right first step in coming to the Board and he asked Mr. Alexander to comment on it if something can be done.

Mr. Alexander said he didn't get a chance to review his file but he recalls that Mr. Berry had a fence with political words on it. Mr. Berry was asked on numerous occasions to remove the fence and he didn't do it. He was cited by Code Enforcement and it went to Martha Medich. When she retired, it went to Doug Weimer. When they were before Ms. Medich on many occasions and on the last time, Justice Medich lost her patience with Mr. Berry and imposed a number of fines. Mr. Berry appealed that to the Court of Common Pleas in Greensburg and the court upheld Justice Medich. This is a Code Enforcement action which is penal in nature and could be expunged. The Board can't do anything with the judge's finding. There are outstanding fines still owed and he doesn't know if the Board can do anything about it. It is a judicial imposed fine. They could write a letter to Justice Weimer saying they don't have a problem with him closing out the fine.

Mr. Berry said he has proof that other people in the Township had the same fence as he did. Mr. Delbene was a senior judge and he closed the case.

Mr. Alexander said he is talking to wrong person on what Mr. Delbene did.

Mr. Moffatt said the next step is to discuss if they choose to get rid of the remaining fine and also he would like to see documentation.

Mr. Berry said he has the original citation which was for 1674 Laurel Avenue. Mr. Alexander wanted him incarcerated and it has to stop.

Mr. Moffatt asked Mr. Berry to submit everything to Mr. Shepherd.

Mr. Berry said he would be in on Friday about 10:00 A.M.

APPROVAL OF MINUTES

Motion: Mr. Martino I'll make that motion. (Work Session – 11/5/09)
Second: Mr. Austin

Motion Carried 6 – 0 – 0

Motion: Mr. Austin So move. (Special Meeting – 11/12/09)
Second: Mr. Martino

Motion Carried 6 – 0 – 0

Motion: Mr. Gray Motion to approve. (Regular Meeting – 11/18/09)
Second: Mr. Martino

Motion Carried 6 – 0 – 0

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PAYMENT OF BILLS

Motion: Mr. Martino I make a motion we pay Voucher No. 059145 through Voucher
Second: Mr. Austin No. 059236.

Remarks

Mr. Gray asked about Voucher No. 059147 for bereavement for Dippolito and what was it for.

Mr. Shepherd said it was for an employee whose mom recently passed away which is in accordance with their policy.

Mr. Gray said he thought the policy was it came from a Flower Fund that the Commissioners maintained.

Mr. Shepherd said they haven't had the Flower Fund for years as it was never maintained and they established a policy. He will provide a copy of the policy for the Board.

Mr. Moffatt asked about Voucher No. 059211 for the Oil & Gas Rights Consultant, Stanhagen Consulting. They hired him about three years ago for about \$1,500.

Mr. Turley said he was hired the summer of 2008. He helped to put together a bid package and then the project was put on hold. The project has been picked back up and they are ready to move forward.

Mr. Moffatt said this was in the consulting fee in the budget.

Mr. Shepherd said nothing was specified but that's where they are taking it from.

Motion Carried 6 – 0 – 0

PUBLIC WORKS REPORT

Mr. Gray asked about the DeBartolo escrow fund for winter maintenance.

Mr. Albert said they haven't been in there yet as there project is not completed.

Mr. Shepherd said they haven't signed the agreement or built the road.

Mr. Albert said he would like to get started on the 2010 Road Paving Program and the Board needs to make a decision to either hire an engineer or request proposals. Mr. Blenko has put the Request for Proposals together before.

Mr. Moffatt said he would like to get proposals.

Mr. Blenko said they can use the same Request for Proposals and change the dates.

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PARKS AND RECREATION REPORT

There were no Board comments.

POLICE REPORT

Mr. Gray asked about the incidence of the home invasion.

Chief Daugherty said they believe it was a targeted house for specific reasons. They did a press release to calm the fears of other residents.

Mr. Gray said he heard there was another house burglarized in Huntingdon Heights

Chief Daugherty said it was on Charles Drive and they don't believe it was related. These are the only incidents of major concern lately. There are usually a few burglaries every month and most of them are drug related. Most of the burglaries over the last five years are related to heroin consumption.

Mr. Gray said in October there was a rash of car burglaries in the Jacktown Acres area.

Chief Daugherty said they solved some of them and arrested three people on one of the incidents. Most of those are because people leave their cars unlocked even in the driveways.

Mr. Gray said he had two cars broken into and all the neighbors in the area. He didn't see the press release in the paper.

Chief Daugherty said they don't put it out on every burglary but the press release was done on the home invasion. Their clearance rate is every high on burglaries compared to the State average.

Mr. Gray said he would like the public advised when something is happening. People pay more attention to a specific threat if they know about it.

Chief Daugherty said they can be more proactive and word of mouth is the best way. They had a rash of burglaries in Larimer and it took six to seven months to solve, but they got it done.

Mr. Gray asked if they could have more sets of eyes by advertising which would make more people aware and on the look out. In Jacktown Acres, an arrest was made because someone heard a break-in and followed them to Lincoln Way and called the police.

Chief Daugherty said that was the incident because neighbors were looking out for neighbors which was how it always used to be. Now many neighbors don't even know who their neighbors are.

Mr. Gray said if there is a rash of crime, if they get the word out earlier, they can have more people looking out.

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Chief Daugherty said they have hit different areas and it is very sporadic. Some residents say the police are doing enough.

EMERGENCY MANAGEMENT REPORT

There was no Board comment.

PLANNING AND ENGINEERING REPORT

Mr. Moffatt said as far as the business park by the Turnpike, Mr. Shuster was looking for zoning.

Mr. Blenko said Mr. Shuster wanted the request tabled. There was no reason but he feels Mr. Shuster wanted DeBartolo to get the Highway Occupancy Permit. If Rhonda Court is put in, it will increase the access to Mr. Shuster's property and if that isn't put in, he may keep it residential. With the access, it would be better to be commercial. DeBartolo is not working there. The Highway Occupancy Permit issued on December 11 was appealed. He feels the owner of Norwin Pharmacy appealed it.

Mr. Moffatt feels they should continue with the Business Park Zoning so that it could be used somewhere or with Mr. Shuster.

FIRE OFFICIAL'S REPORT

Mr. Martino said there are some follow up safety issues from 2008 and 2009 and they should try to get them resolved.

Mr. Blenko said Mr. Stitt has been working on it and the one place has been giving him a problem. He doesn't think they will do anything and do they want to do some type of legal enforcement in that issue.

SOLICITOR'S REPORT

- 1) Action to adopt Proposed Ordinance No. 1 of 2010, establishing 20-MPH Speed Limit on Southampton Drive, Beacon Drive, Gasson Drive in Chestnut Hill Plan; Colt Drive, Finchley Road, Wesley Crossing, Windsor Road, Samantha Way, Jennifer Court, Willow Heights Drive, Yorkshire Drive, Warwick Drive, Bedford Road in Willow Glenn Plan; Delaware Avenue, Ashton Court, Westminster Drive, Oxford Court, Abbey Lane, Lockport Drive, Nottingham Court, Oakcrest Drive in Lincoln Hills and Wallace Drive. If adopted, this would be Ordinance No. 2142.

Motion: Mr. Gray

Motion to approve.

Second: Mr. Martino

Motion Carried 6 – 0 – 0

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- 2) Action to adopt Proposed Ordinance No. 2 of 2010, providing for the establishment of Stop Intersections on Southampton Drive at Mickanin Road, Southampton Drive at Beacon Drive and Beacon Drive at Gasson Drive; Warwick Drive at Windsor Drive and Yorkshire Drive at Windsor Drive in Willow Estates Plan; Delaware Avenue at Ashton Court east and west, Ashton Court at Delaware Avenue, Westminster Drive at Oxford Court, Oxford Court at Westminster Drive east and west, Oxford Court at Oakcrest Drive, Abbey Lane at Oxford Court, Abbey Lane at Bradgate Drive, Oxford Court at Lockport Drive, Lockport Drive at Bradgate Drive and Nottingham Court at Bradgate Drive in Lincoln Hills Plan. If adopted, this would be Ordinance No. 2143.

Motion: Mr. Austin So move.
Second: Mr. Gray

Motion Carried 6 – 0 – 0

TOWNSHIP MANAGER'S REPORT

- 1) Action to approve the December check register.

Motion: Mr. Gray Motion to approve.
Second: Mr. Austin

Motion Carried 6 – 0 – 0

- 2) Quarterly Financial Report and Budget Report – December 2009 Report.

There were no Board comments.

- 3) Action to approve the Norwin School District Occupation Resident and Per Capita Report for the month of November 2009.

Motion: Mr. Martino I'll make that motion.
Second: Mr. Austin

Motion Carried 6 – 0 – 0

- 4) Action to approve Resolution No. 101 of 2010, eliminating employee contributions to the Police Pension Fund.

Motion: Mr. Austin So move.
Second: Mr. Martino

Motion Carried 6 – 0 – 0

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- 5) Action to approve Resolution No. 102 of 2010, establishing the employee contribution rate for the Non-Uniform Pension Plan at 2.5%, which is the current contribution rate of the Non-Uniform Pension Plan.

Motion: Mr. Gray Motion to approve.
Second: Mr. Austin

Motion Carried 6 – 0 – 0

- 6) Action to approve Resolution No. 103 of 2010, authorizing Reflections of Grace Foundation to erect an overhead banner on Route 30 at Buttermilk Hollow Road from February 20 to March 27 to promote the “Race for Grace” event.

Motion: Mr. Gray Motion to approve.
Second: Mr. Austin

Motion Carried 6 – 0 – 0

- 7) Seasonal parking restrictions – discussion.

Mr. Martino said he has received phone calls from Penns Woods and Markvue Manor about residents parking on the streets instead of in their driveways during snow removal. He brought it to the Board to get their views on it.

Chief Daugherty said this was discussed at the staff meeting and it was brought up about 15 years ago. At that time, it was decided that it would be cost prohibitive because you would have to enact an Ordinance and post streets. It would be about \$75.00 to post one sign, so it would be about \$100,000 to post the Township. The way it has been done is if there is a problem when Public Works is salting the roads, they call the police when a car is blocking the road. The police will go out and ask them to move the car. If they are called back several times for the same area, they ask for an Ordinance to post that street. If you pass an Ordinance for permit parking and you put signs in people’s yards, they will be calling a lot. His opinion is to leave as it is.

Mr. Moffatt said he wasn’t for it, but could you have a policy without posting all the roads.

Chief Daugherty said to do any enforcement, you would have to post a street.

Mr. Moffatt said he was parked on a hill and he was told he couldn’t park there and it wasn’t posted.

Chief Daugherty said the Vehicle Code will cover a dangerous situation, but not snow removal.

Mr. Albert said he is for public awareness and in a snow storm, they should use common sense and keep the cars in the driveway for snow removal. He would want to keep his car off the street for safety reasons.

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Mr. Alexander said some people park on the street because they can't get up their driveway. In the newer developments, there are usually Homeowner Associations with covenants that restrict parking on the road which is enforceable.

- 8) Action to appoint Mark C. Turnley, C.P.A. to conduct the Rescue 8 Audit for years 2009 at \$5,000.00, 2010 at \$5,150.00 and 2011 at \$5,300.00.

Motion: Mr. Martino I'll make that motion.

Second: Mr. Gray

Motion Carried 6 – 0 – 0

- 9) Action to appoint James McHugh to the Planning Commission for a four year term ending on December 31, 2013.

Motion: Mr. Patter I'll make a motion to appoint James McHugh.

Second: Mr. Martino

Motion Carried 6 – 0 – 0

- 10) Action to appoint Bernard Solomon to the Planning Commission to fulfill the unexpired term of Stephen Cross which expires on December 31, 2010.

Motion: Mr. Gray So move.

Second: Mr. Austin

Motion Carried 6 – 0 – 0

- 11) Action to appoint Zachary Haigis to the Rescue 8 Board of Directors.

Motion: Mr. Gray So move.

Second: Mr. Patter

Motion Carried 6 – 0 – 0

FURTHER BOARD COMMENTS

Mr. Gray asked for an update on Coulterville Road for the street light.

Mr. Shepherd said there is a work order at Allegheny Power to have the light installed and when that is done, he will bring the assessments back to the Board.

Mr. Gray asked about the drainage issue on Terrie Drive and could they get that information to the Board.

Mr. Shepherd said they pulled some information from the file and can provide that to the Board. He can have Mr. Blenko review it to concur with the previous engineer's recommendation.

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Motion: Mr. Gray I would like to make a motion to re-open the 2010 Budget and
Second: Mr. Haigis examine for cost cutting measures.

Mr. Moffatt asked what the process would be for that.

Mr. Alexander said at the first meeting of the year following an election, you can make a motion to re-open the budget and you have until February 15 to do that. If you make changes, you have to have a public hearing and re-approve the amended budget.

Mr. Moffatt said at the public hearing, can they pass the budget at the same time.

Remarks

Mr. Martino asked why they didn't do this when they were looking over the budget before.

Mr. Gray said he brought up at two meetings about cutting the Police budget and if there is no interest, they should proceed.

Mr. Moffatt asked Chief Daugherty if he had looked at the budget because from what he can see, about 35% of the budget, 3.5 million dollars, is union negotiated.

Mr. Gray said this is under someone's control because they didn't have to hire an officer in September.

Chief Daugherty said it is the most austere budget he has done. When the health insurance went up, they needed more cuts. There is no room to cut his budget other than personnel. He is at the minimum to function and the personnel are under contracts. He doesn't know what Mr. Gray's intentions are and if it is personnel, he needs to know.

Mr. Gray said when he brought up about cutting the Jr. Police Academy, he said it was his job to save the Township money. It is your department to make the recommendations where the money comes from.

Chief Daugherty said that project was one of the best since he has been there, but he did cut it. He also cut his training budget. He has to pay for his men to go to state training which the State always paid for before. He also has to pay for traffic and non-traffic citations because the County won't pay for that anymore. He doesn't know where to cut other than personnel.

Mr. Gray said they didn't have to hire another person that helped to inflate the budget. He asked what will happen for next year's budget.

Chief Daugherty said there will be a 3.5% raise for the Police and a 4% raise for dispatchers plus the health care. He doesn't want to keep the men from going to more training but he had to. He cut out a police vehicle and now the head gasket has gone on one of the 4-wheel drive vehicles they have. He is behind on the vehicle purchases two to three years of what he put in the ten year plan.

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Mr. Gray asked how many motorcycles they have.

Chief Daugherty said they have four now and one that was wrecked. They are buying two, one to replace the wrecked one and an additional one. They can run them cheaper and they are easier to get to an accident. When the Wal-Mart comes in, they won't be able to move at that end of the Township.

Mr. Moffatt said the police budget is a large portion of the budget but it will take time to get it down. They had a chance when they signed the last Union contract.

Mr. Gray said how it will happen to get it down. They could go through attrition when someone retires.

Chief Daugherty said you can go after personnel if that's what you want.

Mr. Moffatt said it didn't get like this just this year and they won't get down to 30%. He would like to see cuts, but it will be hard because most of it was negotiated.

Mr. Haigis feels it wouldn't hurt anything to take another look at it.

CITIZENS' INPUT

Bill Sarge, 9670 Laurel Avenue: If you have a budget that was passed and approved and you open it up, you are asking for trouble. You have a budget that was passed and you should stick by it.

Mr. Moffatt said there is a passed budget but there is a process to go through to re-open it which is what they are doing.

ROLL CALL VOTE

Commissioner Haigis	Yes
Commissioner Patter	Yes
Commissioner Gray	Yes
Commissioner Martino	No
Commissioner Austin	No
Commissioner Moffatt	Yes

Motion Carried 4 – 2 – 0

Remarks

Mr. Shepherd recommends they set a meeting to discuss it and set a date and then have it advertised.

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ANNOUNCEMENTS

- 1) Discount ski tickets are still available for sale at the Township Administration Office for Seven Springs. Please call the office at 724-863-3806 for details on times or rates or go to the web site: www.nhtpa.us.
- 2) The Volunteer Income Tax Assistance program will be available to give tax counseling for the elderly age 60 and over every Tuesday and Thursday from 9:00 A.M. to 1:00 P.M. at the Town House beginning February 2, 2010 through April 15, 2010.
- 3) North Huntingdon Department of Parks and Recreation's "Family Fun Snowman Contest" continues through February 27, 2010. The family's entry can be registered in one of three categories, Biggest Snowman, Funniest Snowman or the Norwin Community Spirit Snowman by submitting the snowman photo by mail, e-mail or hand delivery to North Huntingdon Township, Department of parks 7 Recreation or dmiller@nhtpa.us. To register, please provide Name, Address, Phone Number and Snowman Category, along with photo entry.
- 4) Sign-ups for the Township Park pavilion rentals will begin on Monday, February 22, 2010 at 8:00 A.M. Registration on Monday, February 22 and Tuesday, February 23 will be reserved for **Township Resident Applications Only. Proof of residency will be required.** Registration will be open for the general public on Wednesday, February 24 during normal business hours.
- 5) North Huntingdon Department of Parks and Recreation has re-scheduled the Elvis Presley 75th Birthday Dinner Show at Shafton V.F.D. for Saturday, January 23 beginning at 5:30 P.M. Tickets are still available for \$25/person and can be purchased at the Town House.
- 6) North Huntingdon Department of Parks and Recreation invites the public to a Frank Sinatra Sweetheart Dinner Show, "My Funny Valentine", on Friday, February 12 beginning at 5:30 P.M. For more information, call Parks and Recreation Department at 724-863-3806, Ext. 124.

The Board of Commissioners held the following Executive Session:

Thursday, January 14, 2010

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Personnel, Real Estate

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ADJOURNMENT

Motion: Mr. Gray
Second: Mr. Patter

Motion to adjourn.

Motion Carried 6 – 0 – 0

- Regular Meeting Minutes of January 20, 2010 were approved by the Board of Commissioners on _____.

Lee D. Moffatt, President

John M. Shepherd, Township Secretary

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