

## MINUTES

### REGULAR MEETING OF HAMPTON TOWNSHIP COUNCIL

WEDNESDAY, AUGUST 22, 2018

President Peters called to order the Regular Meeting of Hampton Township Council at 7:30 pm in the Council Chambers of the Municipal Building located at 3101 McCully Road, Allison Park, Pennsylvania.

Those present: M. Peters, President; B. Blackburn, R. Dunlap, C. Johnson, S. Neugebauer, Members; J. Speakman, Controller; V. Tucceri, Legal Counsel; W.C. Lochner, Municipal Manager.

#### APPROVAL OF MINUTES

**Mr. Dunlap moved for the approval of the minutes for the Regular Meeting held on July 25, 2018, the Public Hearing held on August 8, 2018 and the Agenda Meeting held on August 8, 2018. Dr. Johnson seconded the motion and a roll call vote was unanimously in favor.**

#### CITIZEN AGENDA MATTERS

Nothing was brought before Council for discussion.

#### PUBLIC HEARING – SHEETZ, INC. LIQUOR LICENSE TRANSFER REQUEST

**Dr. Johnson moved to open the Public Hearing for the Sheetz, Inc. Liquor License transfer request. Mr. Dunlap seconded the motion and a roll call vote was unanimously in favor.**

The applicant, Sheetz, Inc., will be remodeling its store at 5300 Route 8, Gibsonia, to add a sit-down restaurant area for more than 30 customers featuring all the fresh Made to Order Sheetz foods. As such, this store will qualify for an eating place liquor license pursuant to the PA Liquor Code. Sheetz would like to sell beer for on-premises consumption and to-go at this store.

Mr. Orban stated that the Township recently received an application for the transfer of a liquor license to the existing Sheetz store on Route 8. He added that the Public Hearing has been properly advertised. Mr. Orban explained that the purpose of the Public Hearing is to take public comment and hear any concerns regarding this request. He reported that a land development application for the site changes will still be required, as well as a Building Permit for the changes to the structure.

Mark Kozar with the law firm Flaherty & O'Hara was in attendance representing Sheetz, Inc. in this request. He asked that Hampton Township approve the inter-municipal transfer of an Eating Place Liquor License, from outside the Township to within it, pursuant to the revised Liquor Code, Title 47, Section 461 B3, for use at the Sheetz store located at 5300 Route 8. Mr. Kozar explained that the Liquor Code now permits the PLCB to transfer an existing liquor license within any municipalities in Allegheny County, as long as the governing body of the receiving municipality approves it. He provided a background of the Sheetz corporation. Mr. Kozar stated that the Sheetz

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location in Hampton will be remodeled as a part of this project by adding a bump out for extra seating for up to 30 people. The Liquor Code requires that the space be a minimum of 400 square feet, with seating and food for at least 30 people. He noted that the PLCB has approved liquor licenses for approximately 650 grocery and convenience stores over the last 10 years. Mr. Kozar stated that all the beer will be kept off the main sales floor in a separate “beer cave.” All beer must be purchased at a designated cash register and all on-premises beer consumption is limited to the indoor seating area. Although the store is open 24 hours, beer sales will be limited to 9:00 am to 1:45 am. Mr. Kozar outlined the policies in the Sheetz corporate alcohol management program, including compliance with State alcohol education programs, internal Sheetz corporate alcohol training, a policy of checking 100% of ID’s by using a card scanner, group carding, security cameras, corporate security oversight, and tracking any attempts at fraudulent purchases. He explained that Sheetz would prefer no alcohol consumption on-site; however, this is not permissible under State regulations. He provided an overview of the various methods that Sheetz uses to discourage alcohol consumption on the property. He noted that Sheetz has already made a significant investment in Hampton Township, which will be protected by responsible management and well-trained employees.

Mr. Speakman asked if only beer will be sold or if wine will also be available for purchase. Mr. Kozar commented that they are currently requesting a license for only beer sales; however, there is a process through the PLCB to add wine sales at the later time. He briefly detailed this process. Mr. Speakman and Mr. Kozar discussed Sheetz’s methods to prevent open containers outside the store. Ms. Blackburn requested clarification regarding the intention to sell beer but discourage the consumption on-site. Mr. Kozar noted that the business model is to sell beer to-go; however, the State requires that the consumption also be permitted on-site.

Ms. Blackburn commented that there are already quite a few wine and beer sellers along Route 8. She asked if they have determined that there is a gap in the market or another reason to add alcohol sales to this existing store. Mr. Kozar stated that their request is consumer driven and detailed the history of Sheetz selling alcohol both in PA and out of state. He noted that they view it as a customer convenience. Ms. Blackburn asked if a study was completed on the demographics of the people purchasing beer in the Sheetz stores located outside of PA. Mr. Kozar did not know but stated that the request is only demographically driven based on what brands of beer are stocked at their stores. Ms. Blackburn asked if they have any statistics on the number of attempts to purchase beer with a fake ID. She stated that she is highly concerned that selling beer at a gas station will attract minors trying to purchase beer. Mr. Kozar replied that Sheetz is considered the gold standard for alcohol law enforcement, noting that they have a 99.9% pass rate on minor stings, which involve the Bureau of Liquor Control and Enforcement sending in minors to try to purchase alcohol at licensed premises. He pointed out the multiple controls utilized by Sheetz, namely using card scanners for ID’s and requiring RAMP training for all employees. Dr. Johnson asked Chief Vulakovich if he has any public safety concerns. Chief Vulakovich replied no.

**Dr. Johnson moved to close the Public Hearing for the Sheetz, Inc. Liquor License transfer request. Ms. Neugebauer seconded the motion and a roll call vote was unanimously in favor.**

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**CONSIDERATION OF A RESOLUTION RELATED TO THE SHEETZ, INC. LIQUOR LICENSE TRANSFER**

Mr. Orban stated that a resolution has been provided if Council should wish to approve this item. Mr. Tucceri remarked that the PA Liquor Control Board has preempted municipalities from involvement with regard to issuance of liquor licenses; however, on intermunicipal transfers, if there is substantial evidence that the transfer of the license would violate the health, safety, or morals within the community, the Township could deny such a transfer. He stated that he does not believe that there is sufficient evidence that this would occur and, as such, he recommended that Township Council approve the resolution for the requested liquor license transfer. Ms. Blackburn asked if the Township can revoke the license if it is determined at a later date that its issuance has negatively affected the health, safety or morals of the community. Mr. Tucceri replied that the Township could not revoke the license, but it could certainly pursue the matter with the PLCB, which could revoke it. Mr. Kozar outlined the PLCB's non-renewal program for licenses and noted that the Chief of the HTPD will have an opportunity to submit comments to the PLCB every time the license is renewed. Ms. Blackburn asked what the repercussions would be for an employee who violates the RAMP training. Mr. Kozar replied that the employee would be fired. Mr. Tucceri explained how violations to a liquor license can cause the license to be revoked prior to the renewal period. Mr. Tucceri attested to his positive experience working with Sheetz on liquor license transfers in other municipalities.

**Dr. Johnson moved for the adoption of Resolution No. 995, approving the transfer of Eating Place Liquor License No. E2943 for Sheetz Inc. into the Township of Hampton. Ms. Neugebauer seconded the motion and a roll call vote was unanimously in favor.**

**RENEWAL OF THE TOWNSHIP'S INSURANCE POLICIES**

Mr. Lochner stated that the Township renews its insurance policies in August of each year and listed the various policies currently in place. He reported that the Township uses the services of Robert Zedrick, with the Arthur J. Gallagher & Co., as the broker. Mr. Lochner reported that two bids were received for the renewals, both of which were well below the expected amount. He noted that the cost is around 17% less than it was last year. He added that the Township also investigated several policy changes regarding deductibles being waved due to the Township's excellent history. Mr. Lochner recommended approval of the renewal of the Township's insurance policies, as per the recommendation from Arthur J. Gallagher & Co., with McKee Risk Management for a total cost of \$130,977 for all coverages. He noted that in 2017 the same coverages cost the Township \$158,730. Ms. Blackburn and Mr. Lochner discussed the reasons for this decrease in cost. Ms. Blackburn inquired if a \$20,000 decrease in coverage for the Township's equipment is a cause for concern. Mr. Lochner replied no and explained that equipment coverage fluctuates annually based on values.

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**Mr. Dunlap moved for the approval of the Township's insurance policies through McKee Risk Management in the amount of \$130,977 as presented by Arthur J. Gallagher & Co. Ms. Blackburn seconded the motion and a roll call vote was unanimously in favor.**

**AUTHORIZATION TO PURSUE MUNICIPAL BUILDING UPGRADES THROUGH THE CAPITAL IMPROVEMENTS FUND BUDGET**

Mr. Lochner stated that this is a request for release of \$70,000 from the Capital Improvements Fund for upgrades to the Municipal Building. An itemized breakdown of all the proposed upgrades and costs was forwarded to Council in the memo from Facilities Director Kevin Corace dated August 15, 2018. Dr. Johnson asked if it is accurate that a \$9,000 expenditure to replace equipment damaged by a power surge is not included in the \$70,000 total. Mr. Lochner reported that this cost will be turned in to the Township's insurance carrier for reimbursement. Mr. Speakman commented that the \$9,000 cost was included in the \$70,000. Mr. Lochner clarified that the cost was included to make sure it is covered but the Township is very confident that it will be reimbursed under the insurance policy.

**Mr. Dunlap moved to approve the requested expenditure from the Capital Improvements Fund Budget for renovations to the Municipal Building in an amount not to exceed \$67,500 as per the memo from Mr. Corace dated August 15, 2018. Ms. Blackburn seconded the motion and a roll call vote was unanimously in favor.**

**APPROVAL OF THE 2019-2021 LANDSCAPING PROPOSALS**

Mr. Lochner explained that the Township contracts out the landscaping for numerous Township areas and facilities. He noted that the existing landscaping contract is through JML Landscaping. Mr. Lochner reported that Mr. Corace has recommended that the Township's landscaping contract be renewed with JML Landscaping. He added that the contract will be for three years, 2019 through 2021, and they have agreed to hold the contract price at the 2019 level for all three years. Mr. Speakman noted that several other landscaping services are contracted to JML, so this will not be the total landscaping cost for the Township. However, it will encompass the full landscaping work at the areas identified in the memo.

**Mr. Dunlap moved for the award of the 2019, 2020 and 2021 Landscaping Contract to JML Landscaping Management in the amount of \$32,473 per year, as per the memo from Mr. Corace dated July 27, 2018 (a copy of which has been included as a part of these minutes). Dr. Johnson seconded the motion and a roll call vote was unanimously in favor.**

**APPROVAL OF THE 2019 BUDGETARY DEVELOPMENT GOALS AND OBJECTIVES**

Mr. Lochner noted that several minor changes were made based on feedback from Council.

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**Dr. Johnson moved for the approval of the 2019 Budgetary Development Goals and Objectives. Ms. Blackburn seconded the motion and a roll call vote was unanimously in favor.**

**NORTH HILLS COUNCIL OF GOVERNMENTS MONTHLY REPORT**

Dr. Johnson had nothing new to report.

**WATER AUTHORITY MONTHLY REPORT**

A copy of the Water Authority monthly report was included as a part of Council's agenda packet.

**ENGINEER'S MONTHLY REPORT - GATEWAY**

A copy of the engineer's monthly report from Gateway was included as a part of Council's agenda packet.

**LEGAL COUNSEL MONTHLY REPORT**

A copy of the legal counsel monthly report was included as a part of Council's agenda packet.

**CONTROLLER'S/MANAGER'S MONTHLY REPORT**

Mr. Speakman reported that he, Mr. Peters, and Finance Director Rob Omecene have begun preliminary budget meetings with the various department heads, which is the first step in the budgetary development process.

Several comments were exchanged regarding repairs to the Township's computer servers.

Dr. Johnson remarked that letters for the Hampton Community Library's annual appeal will be sent out soon.

**AUTHORIZATION TO HIRE A NEW PART-TIME POLICE OFFICER**

Chief Vulakovich reported that an opening has been created in the roster of part-time officers, which needs to be filled. He recommended that Cody Alward be appointed and given a conditional offer of employment. He reviewed Officer Alward's credentials, noting that he is currently employed in Millvale as a part-time police officer, he is Act 120 certified, and he holds a bachelor's degree in Criminal Justice from Westminster College.

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**Mr. Dunlap moved to offer part-time employment to Cody Alward conditioned on passing a medical and psychological evaluation prior to his employment. Ms. Blackburn seconded the motion and a roll call vote was unanimously in favor.**

**PUBLIC SAFETY MONTHLY REPORT**

A copy of the Public Safety monthly report was included as a part of Council's agenda packet.

**OTHER PUBLIC SAFETY BUSINESS**

Chief Vulakovich made Council aware of a letter of gratitude that the Police Department recently received after several officers responded to a call related to a suicide. He reported that the letter, which was sent from a family member, stated that the police officers involved in the response and investigation were extremely compassionate and respectful. It also said that the officers kept the family members informed of every action before it was taken, which they greatly appreciated. He noted that the letter ended by stating that Hampton Township should be very proud and thankful for their Police Department. Mr. Peters asked that Chief Vulakovich pass along the names of the officers involved.

**EMS MONTHLY REPORT**

Joe Johnson, Managing Director of the Shaler Hampton EMS, was in attendance to present the EMS report and answer any questions from Council. Mr. Dunlap remarked that the EMS is still operating with a 95% response rate. Mr. Johnson reported that July has been the busiest month to date for the Shaler Hampton EMS; however, they were able to maintain a good call response rate. Several remarks were exchanged regarding the reasons for the increase in calls.

**AUTHORIZATION TO PURSUE A FIVE-YEAR LEASE RENEWAL FOR A CAT 430F2 BACKHOE**

Dr. Johnson verified from Mr. Lochner that the \$3,473.01 payment is due quarterly, not monthly.

**Dr. Johnson moved for the approval to pursue a five-year lease renewal for a CAT 430F2 backhoe, with the correction that the \$3,473.01 payment is quarterly, not monthly. Ms. Blackburn seconded the motion and a roll call vote was unanimously in favor.**

**APPROVAL OF A FIVE-YEAR WINTER MAINTENANCE AGREEMENT WITH PENNDOT AND THE ADOPTION OF A RESOLUTION AUTHORIZING THE COUNCIL PRESIDENT TO SIGN THE PENNDOT WINTER MAINTENANCE AGREEMENT**

Mr. Lochner reported that a letter dated June 27, 2018 was forwarded to Council outlining the terms of the agreement. He explained that the Township performs snow and ice removal on all

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State roads in Hampton, except for Route 8. The State then reimburses the Township a certain amount for the cost of that work. Mr. Lochner recommended approval of this agreement. Ms. Neugebauer asked if the State has ever performed winter maintenance on their roads. Mr. Lochner replied that this has not occurred in his time with the Township. Mr. Lochner reviewed the State's policies and priorities for snow and ice removal. He noted that the State's standards for clearing the roadways are much less stringent than Hampton's. Additionally, Township staff views it as a public safety issue since so many State roads are major traffic connectors for Hampton Township.

**Dr. Johnson moved for the approval of a Five-year Winter Maintenance Agreement with PennDOT as per the memo dated June 27, 2018, and for the adoption of Resolution No. 996 authorizing the Council President to sign the PennDOT Winter Maintenance Agreement. Ms. Blackburn seconded the motion and a roll call vote was unanimously in favor.**

**COMMUNITY SERVICES MONTHLY REPORT**

A copy of the Community Services monthly report was included as a part of Council's agenda packet.

**OTHER COMMUNITY SERVICES BUSINESS**

Mr. Zarenko reported that he approved the resident contact letter for the A. Liberoni asphalt overlay paving contract for Parke and Rosemonte Drives. He noted that the contractor did not provide an exact start date for the project, but it should be sometime within the next two weeks.

Mr. Zarenko informed Council that he will be requesting authorization in September for the purchase of two previously approved trucks for the Department of Community Services.

Regarding the Community Park Sports Courts, Mr. Zarenko reported that HHS staff has requested to use all of the Sports Courts facilities on August 31, 2018 for the whole day as an icebreaker for the new students and staff. He stated that the event will be supervised by HHS staff and Officer Zola. He added that they would like to hold this event in the Community Park every other year.

Mr. Peters asked if the staff at the High School has contacted him regarding the proposed banner in the Community Park. Mr. Zarenko replied that he has not received anything regarding this request. He reported that he will be contacting the HHS Athletics Director Bill Cardone the next day for further discussions.

**ENVIRONMENTAL SERVICES MONTHLY REPORT**

A copy of the Environmental Services monthly report was included as a part of Council's agenda packet.

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OTHER ENVIRONMENTAL SERVICES BUSINESS

Mr. Degnan reported that letters were mailed out earlier that day to the 37 residents that are serviced by the Bruntonshire pump station. An informational pamphlet was included with the letter to re-educate the residents in that area of the damage that flushable wipes cause to the sanitary sewer infrastructure. A discussion was held regarding the response the Township has received from the DEP/ACHD regarding past violations at the Water Pollution Control Plan (WPCP), the status of the Act 537 Plan, and the functionality of the odor control system. Mr. Dunlap asked if there are any pieces of equipment at the WPCP that are not working. Mr. Degnan replied no and reported that the secondary clarifier is back in operation.

APPROVAL OF THE REQUEST FOR PARTIAL RELEASE OF FUNDS FROM THE IMPROVEMENTS SECURITY FOR THE PINE CREEK MINI GOLF REVISED SITE PLAN

Mr. Orban stated that this request is related to a previously approved project at the Pine Creek Golf Center on Duncan Avenue. The developer has requested the release of \$32,007.27 from the inspections escrow account established for this project. Mr. Orban reported that the request has been reviewed by the Township engineer, who is recommending approval.

Mr. Dunlap moved to accept the Township engineer's report and recommendation to release \$32,007.27 from the improvements security for the Pine Creek Golf Center Revised Site Plan. Dr. Johnson seconded the motion and a roll call vote was unanimously in favor.

CONTINUANCE OF THE PROPOSED ENACTMENT OF THE MASSAGE THERAPY ESTABLISHMENTS ORDINANCE

Dr. Johnson moved to continue the enactment of the proposed Massage Therapy Establishments Ordinance to the September Council meetings. Ms. Blackburn seconded the motion and a roll call vote was unanimously in favor.

CONTINUANCE OF THE PROPOSED ENACTMENT OF THE SOLAR PANELS ORDINANCE

Dr. Johnson moved to continue the enactment of the proposed Solar Panels Ordinance to the September Council meetings. Ms. Neugebauer seconded the motion and a roll call vote was unanimously in favor.

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**AUTHORIZATION TO ADVERTISE A PROPOSED FIREWORKS ORDINANCE AND RELATED PUBLIC HEARING**

**Dr. Johnson moved for the authorization to advertise a proposed Fireworks Ordinance and related public hearing, to be scheduled for Wednesday, October 10, 2018. Ms. Blackburn seconded the motion and a roll call vote was unanimously in favor.**

**CONSIDERATION OF AN AMUSEMENT LICENSE REQUEST FOR FILMING ON DUNCAN AVENUE**

Mr. Orban clarified that this request from Tristar Productions is for parking, not filming, in the parking lot for St. Ursula's Parish on Duncan Avenue. He noted that the specific request is to use the parking lot for parking and staging of equipment for work that will occur off-site. Mr. Orban added that the request has been reviewed by the Township's Police Chief and staff, who are recommending approval. Mr. Lochner remarked that the use of Naylor Avenue is included in the request. If this request is approved the Township would temporarily shut down Naylor Avenue and adjust the schedule of the paving program to prevent disruption. Mr. Lochner remarked that amusement license requests are fairly typical and received by the Township periodically. He added that the Township has received the required insurance certificate, and everything is in order.

**Dr. Johnson moved for the approval of and Amusement License for Tristar Productions subject to and contingent upon the conditions detailed in the memorandum from Mr. Orban dated August 22, 2018 (a copy of which has been included as a part of these minutes). Mr. Dunlap seconded the motion and a roll call vote was unanimously in favor.**

**ZONING AND PLANNING MONTHLY REPORT**

A copy of the Zoning and Planning monthly report was included as a part of Council's agenda packet.

**OLD BUSINESS**

Mr. Dunlap asked how the Township's promotional video through ICMA is progressing. Mr. Lochner replied that the video has been completed and reviewed by Mr. Peters and Dr. Johnson. Several changes were requested, which were forwarded to ICMA. He reported that the Township will receive the final version of the video after it has aired at the ICMA conference and will receive all the raw footage. He briefly summarized the contents of the video.

**NEW BUSINESS**

Mr. Lochner provided an overview of several upcoming community events, including the Manager's Coffee Conversation on September 10, 2018, and the Depreciation Lands Museum Hydref of October 6, 2018.

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Mr. Lochner reported that, with the help of Ms. Blackburn, he and Mr. Zarenko recently met with representatives of the Heinz History Center to discuss temporarily moving their WWII exhibit to the Hampton Community Center. The exhibit would be displayed from October 9, 2018 through November 28, 2018. He noted that the exhibit will be temporarily added to the Township's insurance policy to negate any potential liability issues. Ms. Blackburn and Mr. Lochner briefly discussed the level of community involvement that will occur with this exhibit.

Mr. Lochner stated the first session of Coffee and Conversations with the Township Manager will be held on September 10, 2018 in the Community Center's Adult Lounge. Informational mailers will be sent out to all Hampton resident households inviting them to participate in this program.

Mr. Lochner requested direction from Council regarding how to handle reaching out to Township residents to educate them about the upcoming changes to the WPCP and how they will be funded. He asked if Council would like to hold a public meeting in October or November pertaining to this issue. Mr. Peters replied yes. Mr. Lochner reported that he will work with the staff at the Community Center to set up the event. He noted that he will forward potential dates to the members of Council once they have been established. Mr. Lochner requested input from Council as to how they would like to advertise this matter on social media.

**There being no further items for discussion, Mr. Peters adjourned the Regular Meeting at 8:47 pm.**

Susan A. Bernet,  
Clerk of Council

Michael L. Peters,  
President of Council





TOWNSHIP OF

*Hampton*

**Township Council**

Michael L. Peters, President  
Carolynn R. Johnson, Vice-President  
Bethany H. Blackburn  
M. Richard Dunlap  
Sherry A. Neugebauer

**Township Controller**

Jerry E. Speakman

**Municipal Manager**

W. Christopher Lochner

**Legal Counsel**

Vincent A. Tucceri

August 22, 2018

**PERSONAL & CONFIDENTIAL**

TO: Township Council  
Jerry Speakman, Township Controller  
W. Christopher Lochner, Municipal Manager  
Vince Tucceri, Township Solicitor

FR: Martin Orban, Land Use Administrator

**RE: Motion for Approval of Tristar Productions Amusement License**

The Solicitor and I have prepared a proposed motion for approval, with conditions, for the **Tristar Productions Amusement License**, should Council decide to approve the request. In that case, it is Solicitors' recommendation that the following motion be made part of the Council Meeting Minutes:

**I make a motion to approve the Tristar Productions Application for an Amusement License, subject to and contingent upon the following conditions:**

- The license is for an event to be held on Friday September 21 through Saturday September 29, 2018; inclusive.
- The applicant shall be responsible for payment of costs, associated with any HTPD security, traffic controls and/or road closing actions with the project, within 30 days of receipt of invoicing from the Township.
- A temporary sign permit application must be filed if any signage is proposed. Signage in the Township of Hampton is limited to a single on-site sign.
- A temporary structure permit will be required for any tent/building not currently permitted on-site.
- A road maintenance bond in the amount of \$5000.00 shall be provided prior to occupancy of the site.

3101 McCully Road, Allison Park, PA 15101 • Telephone: 412/486-0400 Fax: 412/486-5019 • web: www.hampton-pa.org

*"A Community of Pride, Progress and Tradition"*



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- A copy of the agreement with St. Ursula for use of the site shall be provided prior to occupancy of the site.
- Use of power generators shall be in compliance with Township Zoning Ordinance Performance Standards.

Cc: file