

RESOLUTION
R - 2012- 3

**RESOLUTION ESTABLISHING THE SWATARA TOWNSHIP
POLICY RELATING TO DAMAGE BY TOWNSHIP
SNOW PLOWS OF MAIL BOXES, ROLLED ASPHALT
CURBING, CONCRETE CURBING, YARDS, SOD,
AND VEHICLES**

WHEREAS, Swatara Township provides through its Highway Department the removal of snow fall from Township streets and highways utilizing snow plows; and

WHEREAS, in the course of plowing snow from streets and highways the Township snow plows occasionally damage mailboxes, asphalt or concrete curbing, yards or vehicles by directly striking them with the plow blade or by throwing snow or slush from the plow blade; and

WHEREAS, Swatara Township desires to establish a policy concerning the repair or replacement of mailboxes, asphalt or concrete curbing, yards or vehicles.


NOW THEREFORE BE IT RESOLVED, and it is hereby resolved by the Board of Commissioners of the Township of Swatara that the policy of the Township relating to repair or replacement of damage caused by its snow plows to mail boxes, asphalt curbing, concrete curbing, yards, sod, and vehicles, as set forth on Exhibit "A" attached hereto and incorporated herein by reference, is hereby adopted.

BE IT FURTHER RESOLVED that the officials, officers, employees, contractors and agents of the Township take all action and do all things necessary to implement the intent of this Resolution.

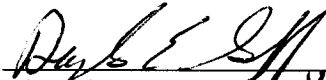
ADOPTED by the BOARD OF COMMISSIONERS OF SWATARA

TOWNSHIP on this 8th day of February 2012.

ATTEST:



Dolores M. Rubinic, Secretary
(Seal)



~~Timothy W. Berard, President,~~ Douglas Goff
Board of Commissioners of Swatara Township

Swatara Township

Mailbox Damage by Township Snowplows

In order to provide a fair and uniform resolution to incidents involving mailboxes damaged by a Township snowplow, Swatara Township adheres to the following policy concerning repair/replacement of mailboxes.

It is the job of the Highway Department to remove snow from road surfaces. There is little that can be done to prevent snow from being discharged from the plow blade. Mailboxes must be securely fastened to a sturdy post anchored in the ground to resist the impact of thrown snow. The Township will replace the mailbox and/or post only when the Township snowplow or truck is found to have made direct contact with the mailbox, not when the box is knocked over by snow or slush that is thrown by the plow.

If a mailbox has been physically struck by a Township snowplow it must be reported to the Highway Department within 48 hours. A representative from the Highway Department will investigate and deliver a temporary mailbox if needed.

If it is determined the mailbox was indeed struck directly by a Township truck or snowplow and the mailbox was installed in accordance with the United States Postal Service's Mailbox specifications (41" to 45" off the ground and back 6" to 8" from **behind** the curb.), the Township will replace the existing mailbox and post with a standard mailbox and post as soon as workload permits. Custom mailboxes and posts will not be replaced in-kind. The Township will instead offer a reimbursement not to exceed \$50 for damage to custom mailboxes. In this instance, it shall be the responsibility of the homeowner to make the necessary repairs and provide a receipt for reimbursement. No mailbox or post will be considered for replacement or reimbursement if the post shows dry rot or is otherwise unstable or was placed too close to the roadway. Please refer to the attached US Postal Service drawing proper mailbox installation.

Exhibit "A"

The following is PennDOTs policy on mailboxes:

“In all cases, we (PennDOT) try to avoid damaging anyone’s property. However, mailboxes are often placed in the state’s legal right-of-way, which means that the Department of Transportation is not liable for damages to mailboxes caused by snow removal operations. We suggest property owners ensure their mailbox rests on a firm support so it will be better able to withstand the “windrow” of snow from the plow.”

Basketball hoops and any other similar personal property placed within the Township right-of-way are not permitted and will not be replaced, repaired, or reimbursed by the Township.

The Highway Superintendent or a designated representative is authorized to use reasonable discretion in resolving matters involving unusual circumstances.

In order to provide a fair and uniform resolution to incidents involving damages from plowing snow, Swatara Township adheres to the following policy concerning repair/replacement of rolled asphalt curbing, concrete curbing, yards, sod and vehicles on the street.

Damage to Rolled Asphalt Curb Policy

In the past, the Swatara Township Highway Department has, at the request of residents, placed rolled asphalt curbing to help alleviate drainage problems associated with water runoff from the streets in areas where concrete curbing is not present. This material has been paid for and placed by the Township at no cost to the resident. Asphalt curbing is easily damaged by plowing operations and it shall be the policy of the Department to only replace plow damaged asphalt curbing where the edge of the grass and roadway has been delineated by the property owner prior to plowing, using readily available and inexpensive delineator/snowplow markers specifically made for this purpose and installed in sufficient quantity, alignment, and height to effectively show the edge of the property. In instances where the curbing was damaged and the property owner failed to take measures to delineate the edge of the property, the Highway Department will replace the asphalt curbing only after the property owner agrees in writing they will be invoiced by the Township for the cost of labor and materials to replace the asphalt curbing. PennDOT no longer allows for any rolled asphalt curbing and therefore the Township will not replace any previously installed curbing along State owned roadways.

Damage to Concrete Curbing Policy

Most plows are fitted with curb guards and every effort is made not to damage concrete curbing, however curbs lie within the public right of way and do occasionally get scratched, chipped, or broken. Repairs to damaged curbing will be made on a case by

case basis at the discretion of the Highway Superintendent based upon factors such as age or any other pre-existing condition of the curbing.

Damage to Yards & Sod

It is very difficult for the plow operator to determine where the edge of the paved roadway lies in areas without curbing. Sod will only be replaced by the Township where the edge of the yard was delineated by the property owner prior to plowing, using readily available and inexpensive delineator/snowplow markers specifically made for this purpose and installed in sufficient quantity, alignment, and height to effectively show the edge of the property. Similarly, the Highway Department will only replace sod or re-seed where the plow jumped the concrete curbing and caused considerable damage. The Township respectfully requests that any minor sod damage simply be put back in place by the property owner. The Township will not address claims of damage to grass or vegetation from salt, cinders or other de-icing chemicals.

Damage to Vehicles

Plow or equipment operators involved in incidents involving damage to a licensed vehicle or trailer are to remain at the scene, notify the County (911 or non emergency 558-6800) who will in turn dispatch a police officer to the scene to make a report. The driver must also immediately notify his/her immediate supervisor. The Highway Superintendent will contact the Township's insurance company as soon as possible for processing and ultimate resolution of the claim.