

**SOUTH STRABANE TOWNSHIP  
BOARD OF SUPERVISORS REGULAR MEETING**

**AUGUST 14, 2018**

**APPROVED MEETING MINUTES**

**1. CALL TO ORDER**

The August 14, 2018 Regular Meeting of the South Strabane Township Board of Supervisors (Board) came to order at 7:02 p.m. in the Mae C. Reynolds Meeting Room of the Municipal Building (550 Washington Road).

The following were present:

Board of Supervisors	Bob Weber, Chairman; Thomas Moore, Vice Chairman; Bracken Burns; Richard Luketich; and Laynee Zipko.
Also Present	Brandon Stanick, Township Manager; Dennis Makel, Township Solicitor; Michael Sherrieb, Township Engineer; and Scott Reese, Fire Chief.

A list of 31 visitors is on file at the Municipal Building.

**2. PLEDGE OF ALLEGIANCE**

Chair Weber led the Pledge of Allegiance.

Chair Weber stated the Board met in Executive Session this evening prior to the meeting for the purpose of discussing personnel matters and ongoing litigation.

**3. PUBLIC COMMENT**

Chair Weber stated the Board allocates a period of time during this item for those individuals who would like the opportunity to address the Board on any matter. Each person addressing the Board is asked to limit their comments to a maximum of three (3) minutes.

Mr. David McClellan (resident on Roupe Rd.) expressed his concern for the request being made by J&D Winery to permit music to be heard beyond the property line. He stated he purchased his house in the country for a purpose and now can hear the music from his back porch.

Mr. Gary Wall (resident on Roupe Rd.) expressed his concern with the Winery's request noting he and his neighbors feel as if they live next to a bar. He also stated that parking is a concern along Roupe Rd.

Mr. Jerry Angelo (resident on Rankin Rd.) expressed his concern for speeding on Rankin Rd. noting that reduced speed signs have been posted. He inquired what the Township intends to do with the Act 13 funds that have been received.

**4. CONSIDERATION OF MEETING MINUTES – JULY 24, 2018**

Ms. Zipko moved to approve the July 24, 2018 Board of Supervisors Meeting Minutes as presented. Mr. Moore seconded the motion. The motion passed on a unanimous voice vote.

**5. FINANCIAL BUSINESS**

The Board considered the following financial business:

- Payroll: \$ 107,097.08 (pay date of August 3<sup>rd</sup>)
- General Fund: \$ 140,557.57
- Liquid Fuels: \$ 17,886.52
- **Total Expenditure: \$ 265,541.17**
  
- Overtime costs for the period include:
  - Police: \$ 1,642.73
  - Fire: \$ 1,378.34
  - Public Works: \$ 495.95
  - **Total OT: \$ 3,517.02**

Ms. Zipko moved to approve the payroll for the period July 15 through July 28, 2018 and the bills for the period July 19 through August 3, 2018. Mr. Luketich seconded the motion. The motion passed on a unanimous voice vote.

**6. ANNOUNCEMENTS**

There were no announcements.

**7. TOWNSHIP REPORTS**

**Township Solicitor's Report**

The Township Solicitor had nothing to report.

**Secretary/Treasurer's Report**

The following items have been received or issued between July 21 and August 10, 2018:

**Minutes and Agendas:**

- a) Planning Commission Minutes – July 5, 2018.

**Reports and Publications:**

- a) Fire Department Report – July 2018;  
b) Public Safety Report – July 2018;  
c) Tax Collector's Report – July 2018;

- d) Tax Collector's Report Interim Collection Only – July 2018;
- e) Animal Control Report – July 2018;
- f) PSATS Regional Fall Forum Agenda;
- g) Washington County Community Foundation, Giving Matters – August 2018;
- h) Observer-Reporter – August 8, 2018, "Canton Should Pay for Full-Time Police";
- i) State Rep. O'Neal 48<sup>th</sup> Legislative District Newsletter, Summer 2018; and
- j) PennDOT District 12 – Progress Report Volume 1, Issue 8.

**Correspondence:**

- a) Invitation received July 28, 2018 for the 103<sup>rd</sup> Annual Convention of the Washington Co. Assoc. of Township Officials for October 4<sup>th</sup> at the Double Tree by Hilton;
- b) Invitation received July 28, 2018 from KLH Engineers, Inc. for the 2018 Annual Golf Outing and Dinner;
- c) Letter dated August 1, 2018 from Comcast regarding Channel Programming Agreements;
- d) Letter dated August 3, 2018 from a resident regarding overgrown hedges on the corner of N. Main Street and Patten Dr.;
- e) Email dated August 3, 2018 from Laural Ziemba regarding updates to drilling activities at the Munce and Baumel pads; and
- f) *Letter (w/attachments) dated August 7, 2018 from Rice Drilling B LLC (EQT) regarding its intent to apply for a permit to drill the proposed Shotski Well in Somerset Township.*

**8. UNFINISHED BUSINESS**

**8A Agreement with the City of Washington to Establish a Connection to Clare Drive for Emergency Purposes**

Township Manager Stanick reported that in June, City of Washington (City) Mayor Scott Putnam and Councilman Ken Westcott attended a Board of Supervisors Meeting asking the Township to consider establishing a connection to Clare Drive from Washington Park for emergency purposes. Since that time the Township has updated its driveway and street excavation regulations and drafted an agreement that:

- a) Requires the installation of locking gates at both ends of the driveway per the Township Engineer's recommendation;
- b) Requires the development of an Emergency Response Plan by the Township and the City which will determine the actual need to unlock the gate;
- c) The Police and Fire Chiefs of both the Township and the City shall determine the safe keeping of keys and have the authority to unlock the gates;
- d) There is to be no parking of any motor vehicles in and/or near the driveway to Clare Drive;
- e) The proposed emergency access drive shall not be designated as a trail/walkway or public facilities be constructed, maintained or operated adjacent to or served by the access drive;
- f) In the event of an emergency that necessitates the use of the driveway, public safety representatives of the Township and the City agree to confer and discuss the event of the emergency, including but not limited to the use of the driveway; and

- g) The granting of the construction of an emergency driveway shall not be construed by the City that it may allow the enlargement of the access drive to a regular access route to the Park and the access drive must be maintained to the satisfaction of the Township, including the width of the drive.

The agreement has been provided to the City for review and comment and the engineering plans are currently under review by the Township Engineer. As this is the case, the Board may wish to continue its consideration of this matter.

Township Solicitor Makel confirmed that intergovernmental agreements are established by ordinance, which requires a legal notice be published in the paper.

Mr. Moore moved to table this matter. Mr. Luketich seconded the motion. The motion passed on a unanimous voice vote.

**8B Ordinance Amending Chapter 245 of the Township Zoning Code Regarding the Purpose of the C-3 District and Eliminating Light Manufacturing as an Authorized Conditional Use in the C-3 District (Tabled)**

Mr. Weber advised this item will remain on the table.

**9. NEW BUSINESS**

**9A Resolution Granting Preliminary and Final Minor Subdivision Approval for the Shrontz Subdivision Being a Resubdivision of Lots 7 & 8 in the S.R. Hanley Plan of Lots Along Pierce Avenue**

Township Manager Stanick reported the Township is in receipt of a subdivision application dated June 22, 2018 from Frances Shrontz (Applicant) for a proposed resubdivision at 1524 Pierce Avenue (Plan) in the C-2 General Commercial Zoning District. The Applicant is seeking approval to convey 3,237.74 sq. ft. from Lot 8R to Lot 7R. In short, the Plan is effectuating a shift in a lot line adjoining Lot 8R and Lot 7R. The Planning Commission considered the Plan at its meeting on August 2, 2018 and unanimously recommended the Board of Supervisors grant Preliminary and Final Subdivision Approval for the Plan with the following conditions:

- Waiver of the plan monumentations requirement as this is a minor subdivision and all points and corners are provided steel pins; and
- The Applicant prepares a maintenance agreement to the satisfaction of the Township Solicitor that is to be recorded with the County Recorder of Deeds Office.

Mr. Kerry Krider, representing the Applicant, advised the request is to shift a lot line.

Township Engineer Sherrieb reported that the proposed subdivision is complete and in compliance with Township regulations.

Mr. Burns moved to approve the resolution granting preliminary and final minor subdivision approval for the Shrontz Subdivision along Pierce Road. Mr. Luketich seconded the motion. The motion passed on a unanimous voice vote.

### **9B Resolution Granting Preliminary and Final Major Subdivision Approval for Revised Phase 3 of the Bradford Run Planned Residential Development Along Country Club Road**

Township Manager Stanick reported the Township received an Application for Subdivision Approval dated June 22, 2018 from J. Angelides Enterprises, L.P. (Applicant) for a revision to Phase 3 of the Bradford Run Planned Residential Development (Development). The Development consists of replacing 46 townhouse units (on 9 lots) with 32 single-family units (on 32 lots) along a street to be named Shetland Way. The Development is located in the R-2 Suburban Residential Zoning District with proposed lots ranging in size from a minimum of 7,500 to 24,351 sq. ft.; the majority of the lots are less than 8,000 sq. ft. Overall, the number of dwelling units proposed for the revised Phase 3 Plan results in a reduction in density of 30%. Pursuant to the Township Engineer, the application is complete pursuant to the requirements of the Subdivision and Land Development Requirements for Major Subdivisions.

Further, he reported that on July 5, 2018, the Planning Commission recommended Preliminary Subdivision Approval for the Development. At its meeting on August 3<sup>rd</sup>, the Planning Commission recommended the Board grant Final Subdivision Approval. Pursuant to Section 206-26A(2), following the Planning Commission's recommendation, the Board shall either approve, approve with conditions or disapprove the application.

Additionally, the revised 2017 Master Plan indicates a total of 25 lots for development in Phase 3 and the Applicant is increasing the number of lots to 32 with the submission of this Subdivision Application. This change only pertains to the phasing of the Development and does not change any feature nor increase the total overall density of the revised Master Plan for the Development.

Township Engineer Michael Sherrieb reported that the proposed subdivision is complete and in compliance with Township regulations.

Mr. Burns moved to approve the resolution granting preliminary and final major subdivision approval for the revised Phase 3 Bradford Run Planned Residential Development. Ms. Zipko seconded the motion. The motion passed on a unanimous voice vote.

### **9C Resolution Granting Preliminary and Final Land Development Approval for Revised Phase 3 of the Bradford Run Planned Residential Development Along Country Club Road**

Township Manager Stanick reported that in addition to the Subdivision Application previously considered, the Township is also in receipt of an application for Land Development Approval from J. Angelides Enterprises, LP (Applicant), dated June 21, 2018, for a proposed revision to Phase 3 of the Bradford Run Planned Residential Development (Development) located along Country Club Road. He reported at its meeting on July 5, 2018, the Planning Commission unanimously recommended the Board of Supervisors (Board) grant Preliminary Land Development Approval. On August 2<sup>nd</sup>, the Planning Commission unanimously recommended the Board grant Final Land Development Approval.

Township Engineer Sherrieb confirmed the proposed land development plan is complete and in compliance with Township regulations.

Mr. Burns moved to approve the resolution granting preliminary and final land development approval for the Revised Phase 3 of the Bradford Run Planned Residential Development. Mr. Moore seconded the motion. The motion passed on a unanimous voice vote.

#### **9D Development Agreement Between the Township and J. Angelides Enterprises, LP for Revised Phase 3 of the Bradford Run Planned Residential Development Along Country Club Road**

Township Manager Stanick reported that in conjunction with the previous two agenda items, a development agreement with J. Angelides Enterprises LP has been prepared for the Board's consideration pursuant to Section 206-29 of the Township's Subdivision and Land Development Regulations. The following is a summary of the major points of the agreement:

- **Required Improvements** to be constructed include: stormwater management system, including inlets, pipes and other structures, a roadway and utilities.
- **Public Improvements** to be accepted by the Township: a 50' right-of-way which will include road surface, curbs and portions of the stormwater drainage and conveyance system.
- **Performance and Maintenance Guarantee:** in the total amount of \$497,760 comprised of: i) \$432,835 to complete the improvements; ii) \$43,283 (10%) for contingency; and iii) \$21,642 (5%) allowance for Township Engineer inspections.
- **Completion Date:** maximum of 5 years to complete the improvements.
- **Indemnification:** the Developer indemnifies and holds the Township harmless from any damages, injuries, or losses caused by constructing the Required Improvements.

Additionally, he reported the previous approvals for the Development do not take effect until the adoption of a development agreement. The proposed development agreement has been reviewed by the Township Engineer (for cost estimates), Township Manager and Township Solicitor, as well as the Developer.

In response to a question from Chair Weber, Mr. Sherrieb stated the schedule of values for the public improvements has been reviewed and the agreement recommended for approval.

Mr. Burns moved to approve the Development Agreement for the Revised Phase 3 of the Bradford Run Residential Development. Ms. Zipko seconded the motion. The motion passed on a unanimous voice vote.

**9E Request from J&D Cellars Winery (290 Roupe Rd.) for the Township to File a Petition with the PA Liquor Control Board to Allow for Amplified Music to be Heard Beyond the Limits of the Property**

Township Manager Stanick reported the Township is in receipt of a request from J&D Cellars Winery (“Winery”), located at 290 Roupe Rd. (“Property”), zoned A-1 Agricultural, for the Township to file a petition with the PA Liquor Control Board to allow amplified music to be heard beyond the limits of the Property. Currently, John Husk, owner of the Winery, operates a vineyard at the Property, as well as a tasting room offering on-site consumption of wine, associated parking facilities, and an outdoor entertainment venue where bands are invited to perform for Winery patrons. The Winery operates pursuant to Limited Winery License No. LK332 issued by the PA Liquor Control Board authorizing the production of alcoholic ciders, wines and wine coolers in an amount not to exceed 200,000 gallons per year.

He stated that pursuant to the PA Liquor Code, licensees may not use or permit to be used inside or outside of the licensed premises a loudspeaker or similar device whereby the sound of music or other entertainment can be heard beyond the licensee’s property line. A municipality that desires an exemption from this requirement may file a petition with the Liquor Control Board. The municipality would then be responsible for enforcing its existing noise regulations. The Township’s noise regulations (Section 148-6) are:

- 85 decibels between the hours of 7:00 a.m. and 9:00 p.m.; and
- 75 decibels between the hours of 9:00 p.m. and 7:00 a.m.

Mr. Husk provided an update to the Board and reviewed his request. He noted that the property is located in the Agricultural Zoning District, which allows the sale of wine and is considered under agricultural sales. The property is registered in the Pennsylvania Clean and Green Program where one requirement is that the property be open to the public. The events hosted at the winery are on weekends in the evening. In continuing his presentation, Mr. Husk distributed several pictures to the Board showing the setup of his operation.

Mr. Luketich inquired of the type of music that is played. Mr. Husk stated the genre of music ranges from jazz/soul to pop cover bands and country music. Additionally, in response to Mr. Luketich, Mr. Husk noted the amplified system is not very big and faces away from Roupe Rd. The closest house is approximately 300 feet away.

Mr. Moore remarked that his may require a liberal level of enforcement from the Township. Mr. Husk stated that the amplified sound will be less than the Township regulations permit.

In response to a question from Mr. Burns, Mr. Husk stated the sounds will be less than levels permitted by the Township and a traffic light sound measuring device will be purchased and placed in the tent to ensure decibel levels remain compliant.

Chair Weber inquired of the size of groups that attend the Winery's events. Mr. Husk stated the Winery cancelled the events half way through 2016 and were held sometimes on the weekends in 2017. The venue accommodates chairs for 80 people.

In response to a question from Chair Weber, Mr. Husk stated that the Winery regulates wine tasting by not serving those whom appear to be intoxicated.

Mr. Burns moved to authorize Staff to prepare a resolution filing an exemption with the Liquor Control Board to allow amplified sound to be heard beyond the property line. Mr. Moore seconded the motion. The motion passed on a unanimous voice vote.

#### **9F Request from the South Strabane Volunteer Fire Department for the Township to Consider a Paid On-Call Policy, Certain Tax Relief and Other incentives to Attract and Retail Volunteer Firefighters**

Township Manager Stanick reported the Township is in receipt of a letter from South Strabane Volunteer Fire Department President George Thomas asking the Township to consider establishing a pay-per-call policy and tax relief through PA Act 172 of 2016. Similar requests have been granted or are currently being considered by near-by Townships. A copy of Canton Township's pay-per-call resolution and tax credit ordinance are being provided for the Board's information. Should this request be of interest to the Board, it is recommended that Staff be directed to work with the Volunteer Fire Department to establish an incentive program.

Mr. Luketich provided an update to the Board concerning the Volunteer Fire Department's request. He stated that an incentive program will encourage members to join the Volunteer Department and noted that the Township's taxes for fire service are low due to having the Volunteer Department.

Mr. Luketich moved to authorize Staff to prepare the applicable resolution and ordinance establishing incentives for Volunteer Firefighters for the next meeting. Ms. Zipko seconded the motion. The motion passed on a unanimous voice vote.

#### **9G Motion to Authorize Premiere Power solutions, LLC to Shop for Renewal Rates for the Supply of Electricity and Natural Gas for Municipal Facilities**

Township Manager Stanick reported that currently, the Township is supplied electricity and natural gas by Next Era Energy Services LLC and Direct Energy Services, LLC respectively. Premier



Power Solutions, LLC is the Township's energy broker that shops for supply rates on behalf of the Township. As the 30-month contract with Next Era Energy expires on the December 2018 meter read, and the Township's natural gas supplier is not contractual, it is recommended the Board motion to authorize the Township's energy broker to shop for renewal rates for the supply of electricity and natural gas for municipal facilities (buildings, street lights, traffic lights, etc.).

He reported because the market for electricity and natural gas supply changes from minute to minute, it is impractical to ask the Board to approve a rate at a scheduled public meeting. As this is the case, this authorization from the Board will allow the Township Manager to work closely with Premiere Power Solutions in seeking a competitive rate that will lock the Township into a term not to exceed 36 months.

Mr. Burns moved to authorize the Township Manager and Premiere Power Solutions, LLC to shop for renewal rates for electricity and natural gas supply for municipal facilities. Mr. Luketich seconded the motion. The motion passed on a unanimous voice vote.

**10. ADJOURNMENT**

Mr. Moore moved to adjourn the meeting. Ms. Zipko seconded the motion. The motion passed on a unanimous voice vote and the meeting adjourned at 8:01 p.m.

Respectfully submitted,

Brandon J. Stanick  
Township Manager