

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

JANUARY 23, 2018

APPROVED MEETING MINUTES

1. CALL TO ORDER

The January 23, 2018 Regular Meeting of the South Strabane Township Board of Supervisors (Board) came to order at 7:00 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 and Chris Furman, Township Solicitors; James Barnes, Public Safety Director; and Scott Reese, Fire Chief.

A list of 26 visitors is on file at the Municipal Building.

2. PLEDGE OF ALLEGIANCE

Chair Weber led the Pledge of Allegiance.

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.

Ms. Judi Panasik (resident on Green Crescent Dr.) noted that following a neighboring community's event, it was discovered there was a child predator volunteering for the event. She encouraged the Board to require volunteers for any Township sponsored event to obtain clearances before volunteering.

Mr. Jerry Angelo (resident on Rankin Rd.) expressed concern for the Township not budgeting for 1.5 Police Officers (full-time equivalent) and inquired if this was done because of money spent on lawsuits. Mr. Angelo also expressed concern for speeding on Rankin Rd. and that no money was allocated for park and recreation this year.

4. CONSIDERATION OF MEETING MINUTES – JANUARY 9, 2018

Ms. Zipko moved to approve the Board of Supervisors Regular Meeting Minutes for January 9, 2018 with a correction to a typographical error requested by Mr. Burns. Mr. Luketich seconded the motion. The motion passed on a unanimous voice vote.

5. FINANCIAL BUSINESS

Chair Weber introduced the item. Mr. Luketich stated there was over \$17,000 in overtime this past pay period. He suggested the Board take a closer look at the overtime expenditures from each Department.

Mr. Luketich moved to request that an overtime compensation report be prepared for each payroll (starting with the period of December 31st through January 13th) that reports the shift/area worked, individual assigned to the work and the reason for the overtime. Mr. Burns seconded the motion.

Chair Weber opened the floor for public comment and there was none.

The motion passed on a unanimous voice vote.

Mr. Moore moved to approve the payroll for the period December 31, 2017 through January 13, 2018 and bills for the period January 4 through January 17, 2018 as presented:

- Payroll: \$ 122,000.58 (pay date of January 19th)
- General Fund: \$ 96,993.14
- Liquid Fuels: \$ 22,382.27
- **Total Expenditure: \$ 241,375.99**

Ms. Zipko seconded the motion. The motion passed on a unanimous voice vote.

6. SCHEDULED VISITORS

Fire Department Quarterly Report - Fire Chief Scott Reese

Fire Chief Reese reported there were 714 calls in 2017 with 163 calls occurring in the fourth quarter. He stated that 2017 was consistent with 2016 run-call sheets. He then reviewed the types of calls to which the Fire Department responded in 2017. He stated the Township is in receipt of a \$15,000 grant to replace self-contained breathing apparatus (SCBA) from the State, as well as a \$94,000 grant from FEMA for additional SCBA gear. Fire Chief Reese reviewed the fire inspections during the fourth quarter. Further he reported on the toxic fire in Chartiers Township at the Dynamet facility.

In response to a question from Mr. Burns, Fire Chief Reese described the differences between a good intent call and false alarms. He concluded noting that Range Resources has removed the Big Rig from the Munce Well Pad and will begin to frac shortly.

Public Safety Department Quarterly Report – Public Safety Director James Barnes

Public Safety Director Barnes reported on several completed projects in the Township, including several stores at Tanger Outlets. The build-out of Plaza Azteca restaurant and the renovation to the vending/storage structure at the driving range along Locust Ave. will be finished soon. He noted new plans have been received for Sam's Club and Target this year. He reviewed building statistics for the 2017 year noting five new home permits, 81 violations addressed (2 of which were issued citations), 43 sign permits and 11 demo permits.

7. UNFINISHED BUSINESS

7A Consideration of an Employment Contract with the Township Manager (Tabled)

Mr. Burns moved to take this matter from the table. Ms. Zipko seconded the motion. The motion passed on a unanimous voice vote.

Mr. Burns moved to approve the employment contract with the Township Manager. Mr. Moore seconded the motion. The motion passed on a unanimous voice vote.

7B Consideration of Appointing an Auditor to Conduct the 2017 Municipal Annual Audit and Financial Report (Tabled)

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

Township Manager Stanick reported at its Organization Meeting on January 2, 2018, the Board tabled the appointment of an Auditor for the 2017 fiscal year. In preparation for the appointment, the Board's intent to appoint a CPA as Auditor in place of the Elected Auditors was authorized for publication on November 14, 2017 and published in the Observer-Reporter on November 20th pursuant to the requirements of Section 917(b) of the Second Class Township Code (Code). Also, according to the Code, when an accountant or firm is appointed, the Elected Board of Auditors shall not audit, settle or adjust the accounts audited by the appointee.

Township Manager Stanick reviewed the following proposals from:

- Mark C. Turnley, CPA in the amount of \$5,500;
- Cypher & Cypher, CPA in the amount of \$5,500; and
- Palermo/Kissinger & Associates in the amount of \$8,500 (due to scheduling clients, proposes submitting to the DCED by May 31st instead of April 1st).

He noted that the Township's experience with Mr. Turnley has been very positive. Mr. Turnley is offering the same rate of \$5,500 for both the 2017 and 2018 audit years. He also stated that his experience with Cypher and Cypher on the Washington County Tax Collection District Executive Committee has been very positive as well. All submitted proposals are acceptable to the Township.

Mr. Burns moved to enter into a contract with Cypher and Cypher, CPA in the amount of \$5,500 to conduct the Township's 2017 annual audit and financial report. Mr. Moore seconded the motion. The motion passed on a unanimous voice vote.

7C Public Hearing and Consideration of an Ordinance Amending Chapter 245 of the Township Zoning Code Regarding the Purpose of the C-3 District and Eliminating Light Manufacturing as an Authorized Use in the C-3 District

Chair Weber introduced the item and the Board received an update from Township Solicitor Chris Furman. Solicitor Furman stated the public hearing was advertised according to law for January 23, 2018 at 7:00 p.m. and stated the purpose of the hearing is to consider adoption of a proposed amendment to the text of the South Strabane Township Zoning Code, specifically Sections 240-70, 245-71, 245-72 and 245-137.1A, removing "Light Manufacturing Facility" as a conditional use allowed in the C-3 Mixed Use Zoning District (Text Amendment).

He then reviewed the protocol by which the hearing will be conducted. Those who wish to speak tonight we be sworn-in, any exhibits will be collected and submitted into the record, and following any discussion by the Board, the floor will be opened to public comment. The Board will then be given the opportunity to deliberate and the record will be closed following the Board's discussion. He asked that a vote on this matter not be taken this evening to allow time for the Township to prepare Findings of Fact.

Stenographer for the hearing, Sheila M. Rozanc, administered the oath to those in attendance.

Following Solicitor Furman's request, Mr. Burns moved to admit the following documents into the record as Exhibits 1 through 4:

Exhibit 1 – Zoning Application for the Text Amendment;

Exhibit 2 – October 5, 2017 Planning Commission Meeting Minutes;

Exhibit 3 – Copy of the legal advertisement published in the Observer-Reporter; and

Exhibit 4 – Washington Co. Planning Commission's response to the proposed Text Amendment.

Mr. Moore seconded the motion. The motion passed on a unanimous voice vote.

The Board had no comments at this time.

The floor was opened for public comment.

Mr. James Stewart (resident on Arrowhead Dr.) stated he would like the petition of names from Strabane Manor that was presented to the Board on September 7, 2016 to be entered into the public record for this hearing.

Mr. Burns moved to incorporate the list of names on the petition into the public record. Mr. Moore seconded the motion. The motion passed on a unanimous voice vote.

Ms. Kathy Inovina (resident on Shawnee Dr.), President of the Strabane Manor Homeowner's Association, requested the Board accept the petition of Strabane Manor names in opposition to having light manufacturing in the C-3 District. Ms. Inovina submitted a copy of the petition to the Board. In response to questions from Solicitor Furman, Ms. Inovina advised that the HOA is opposed to having light manufacturing as a permitted use in the C-3 District.

Solicitor Furman stated the petition received from Ms. Inovina will be admitted as Exhibit 5 and will be voted on by the Board at the end of the hearing.

Mr. Tony Rosenberger, President and Chief Operating Officer of Chapman Properties (located in Leetsdale, PA), noted he is in attendance this evening with attorney Cliff Levine of Cohen and Grigsby. He stated Chapman Properties owns 151 acres east of Tanger Blvd. in the C-3 Mixed Use Commercial District. He stated in 2015, upon a recommendation by the Planning Commission, the Board recognized the C-3 Zoning District was being underutilized, and to stimulate development, approved an amendment to allow mixed-use in the District, which included professional office and light manufacturing.

He stated the C-3 District does not allow heavy industry adjacent to residential areas. He then stated the definition of light manufacturing from the Zoning Code stating it is the assembly, processing or fabrication of certain materials and products where no process involved will produce noise, vibration, water pollution, fire hazard or noxious emissions that will disturb or endanger neighboring properties. Mr. Rosenberger stated that the light manufacturing use is subject to a conditional use review by the Board. This includes the appropriate siting of the building, buffer zones and design features that are compatible with surrounding uses.

Additionally, he noted that in January, 2016 Chapman Properties engaged in a sell agreement with Ensinger, Inc. The intent was to locate Ensinger's 230,000 sq. ft. U.S. headquarters on the site that would bring 140 jobs to the Township. The Board granted conditional use approval to Ensinger; however, the Board voted to not accept Tanger Blvd. as a public road and denied Chapman's Master Plan for the site causing Ensinger to look elsewhere. The company is now constructing its new headquarters in North Strabane off of Racetrack Road.

Mr. Rosenberger stated that should light manufacturing use be removed it will further limit the use options available to develop the site and further impact development opportunities. This use is critical to the development of the Chapman site. He encouraged the Board to support the Planning Commission's original recommendation and preserve light manufacturing as a viable use in the C-3 Zoning District that will enable the Township to fully control C-3 land through future conditional use decisions.

He submitted his written statement, labeled Exhibit 6, for the record.

Mr. Bob Jones (resident in Strabane Manor) stated there are 48 homes being built on the hill that overlooks the site. This will further limit Dan Ryan's ability to sell homes. He expressed his desire for the Board to not allow this type of use near Strabane Manor.

Ms. Judi Panasik (resident on Green Crescent Dr.) stated that past comments on taking over Tanger Blvd. as a public road have been misrepresented to the Board. The jobs that will be brought to the Township won't amount to what is being reported. She noted that residents don't come before the Board to ask for a rezoning if they can't sell their house and asked why should this be the exception. The Township changed the zoning of the C-3 District after people bought their homes in Strabane Manor. She stated that allowing this use to continue will negatively affect surrounding property values and make Strabane Manor less attractive. The C-3 District is a commercial district and should remain commercial.

Ms. Cynthia Rossi (resident on Zediker Station Rd.) submitted a packet of information and requested that it be entered into the record. In reading from her letter, Ms. Rossi noted that she was informed that fracking chemical concerns, compressor stations, sub-stations, launcher/receiver facility, etc. would not be permitted in the Township's C-3 Zoning District. However, Chapman's Leetsdale Industrial Park and Chapman Westport list light manufacturing on their web page and both contain gas-related operations. She stated that with the event of the Lubrizol plant, located in the Leetsdale Industrial Park, which was permitted under the designation of light manufacturing, could permit the location of a business dealing with hazardous materials/processes to happen here in South Strabane adjacent to hundreds of homes, rentals and retail and tourist attractions. She stated the property should resort to its original zoning designation.

In summary, she asked the Board to consider: i) this property as a gateway to our Township, ii) we must grow beyond an image of the poor relation to communities to our north; iii) we must protect all residents from activities and industries that could present hazards to health and to the peaceful enjoyment of homes; and iv) if the light manufacturing use is rescinded that we must work with Chapman to encompass other aspects of their vision, including boutique hotels, innovative office space, interesting retail and premiere housing.

Ms. Rossi's information will be entered into the record, labeled as Exhibit 7.

Mr. Levine, legal counsel for Chapman Properties, stated that his client is currently in litigation with the Township and that they would like to reach a settlement or resolution with the Township. He stated there are limitations to light manufacturing in the C-3 District. The use allows low impact industry and well supported jobs. He expressed his desire for the Board of Supervisors to defer this matter as to not escalate the damages currently being sought.

Mr. Burns moved to admit the following documents into the record as Exhibits 5 through 7:

Exhibit 5 – Petition of names from Strabane Manor in opposition to allowing light manufacturing in the C-3 District;

Exhibit 6 – Mr. Rosenberger’s written statement; and
Exhibit 7 – Ms. Rossi’s written statement and packet of information submitted to the Board.

Mr. Moore seconded the motion. The motion passed on a unanimous voice vote.

Mr. Moore noted he would defer to Mr. Rosenberger if manufacturing is profitable for South Strabane and noted his opposition to allowing light manufacturing in the C-3 District since the beginning. He expressed concern for the dangers resulting from any emissions that would be caused by a light manufacturing facility. He stated there is more than 1,600 acres located in the Zediker area that would be suitable for industrial development. He stated don’t pave over paradise and put up a parking lot.

Chair Weber stated he has had an ongoing concern for the Strabane Manor community. The Board is aware that the residential community is opposed to this type of use. He expressed his concern for the integrity of the neighborhood and impact to property values. He stated that pollution will be generated from the facility and impact surrounding properties.

Ms. Zipko read the definition of light manufacturing from the Zoning Code stating it is the assembly, processing or fabrication of certain materials and products where no process involved will produce noise, vibration, water pollution, fire hazard or noxious emissions that will disturb or endanger neighboring properties. Light manufacturing includes, but is not limited to, the production of the following goods: home appliances; electrical instruments; office machines; precision instruments; electronic devices; timepieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition; machine tools; dies and gauges; ceramics; apparel; lightweight nonferrous metal castings; film processing; light sheet metal products; plastic goods; pharmaceutical goods; and food products, not including animal slaughtering, curing or rendering of fats and similar activities.

Mr. Luketich stated that light manufacturing was allowed in the C-3 District in anticipation of Ensinger, Inc. locating in the Township; however, they are no longer coming to South Strabane. He stated that commercial development is happening all along the Rt. 19 Corridor, which is something the Board should consider.

In response to several questions from Solicitor Furman, Mr. Rosenberger stated the real estate was acquired in 1968 and the upper piece was acquired nine years ago. He confirmed that allowing light manufacturing in the C-3 District was done, not only to accommodate Ensinger, Inc., but any light manufacturing facility. Mr. Rosenberger noted Chapman Properties is discussing the property with others, but it is not actively being marketed due to the issues related to public access. Additionally, Mr. Rosenberger stated that Chapman has not submitted any building permit applications to the Township and there are no other plans, other than the Master Plan, to develop the property of which Ensinger, Inc. was a piece. He confirmed there are no current developments by Chapman that rely on C-3 zoning.

In response to a question from Solicitor Furman, Mr. Rosenberger advised that Chapman was awarded an infrastructure development grant from the Redevelopment Authority of Washington County. He confirmed there are no conditions on the grant and it is used for the development of water, sewer, electric and gas infrastructure.

Mr. Burns inquired if developing the infrastructure for the site would necessitate Tanger Blvd. be a public road. Mr. Rosenberger confirmed that Tanger Blvd. must be a public road. He stated it is not clear what impact that has on the grant at this time, but it must be acted on within two years. He stated he will provide the Township a copy of the grant materials.

Solicitor Furman advised Chapman Properties will have two weeks after the transcript is made available to reply with its Findings of Fact.

A discussion followed.

Mr. Chad Undercoffer (resident on Shawnee Dr.) expressed his understanding that if the Township were to accept Tanger Blvd. then Chapman can move forward with developing the infrastructure of the site that could facilitate commercial and not light industrial development.

Ms. Panasik stated that the C-3 District is being misrepresented noting it is meant for entertainment commercial uses. She also commented that it was understood that Tanger Blvd. would only be accepted if it were to reach Manifold Road.

Mr. Moore expressed concern that if the Township were to take over Tanger Blvd., Trinity Point, Strabane Square and the Old Mill would soon follow.

Mr. Burns moved to accept the infrastructure development grant documents awarded by the Redevelopment Authority of Washington County into the record as Exhibit 8. Mr. Moore seconded the motion. The motion passed on a unanimous voice vote.

Ms. Zipko moved to accept the definition of "Manufacturing, Light" from the Township Zoning Code into the record as Exhibit 9. Mr. Moore seconded the motion. The motion passed on a unanimous voice vote.

It was the consensus of the Board to advertise its consideration for adoption of the text amendment for its meeting on February 27, 2018.

8. NEW BUSINESS

8A Consideration of a Resolution Granting Final Subdivision Approval for the Jason and Ivy Rodgers Subdivision Along East Beau Street

Township Manager Stanick reported the Township is in receipt of a subdivision application dated October 5, 2017 from Jason and Ivy Rodgers (Applicant) for the proposed subdivision of one lot (13.55 acres) into two lots located at 1670 E. Beau Street (Plan). The Plan is located in the R-2 Residential Zoning District. For the Board's information, the Applicant received Final Minor Subdivision Approval for the Plan previously on November 21, 2016. However, the final plat was not recorded within 90 days of approval, and as a result, the plat became null and void.

The Applicant proposes the same Plan subdividing the existing lot into two lots (2.568 acres and 10.981 acres). On November 2, 2017, the Planning Commission tabled consideration of the Plan and requested: i) the drawing be updated to show a list of utilities and the sewer connection along Floral Hill Dr., ii) the Applicant pay all fees that are due; iii) and be in attendance at the next meeting ("Requests"). The Planning Commission tabled consideration of the Plan on December 7, 2017 as there were no representatives of the Applicant in attendance, and on January 4, 2018, recommended the Board of Supervisors grant Final Subdivision Approval of the Plan and application as the Applicant fulfilled the Requests.

Mr. Burns moved to approve the resolution granting final minor subdivision approval for the Jason and Ivy Rodgers Subdivision along E. Beau St. Ms. Zipko seconded the motion. The motion passed on a unanimous voice vote.

8B Consideration of an Employment Contract with a Police Chief

Mr. Burns moved to approve an employment contract with Drew Hilk to serve as the Township's Police Chief subject to: i) the satisfactory passing of a background check; and ii) modification of language in Section 4, dealing with the probationary period, that if Hilk resumes his position as Sergeant there shall be no diminution of salary/compensation. Ms. Zipko seconded the motion. The motion passed on a unanimous voice vote.

8C Consideration of a Test Security Agreement with Bill Gamble Police Testing for Sergeant Promotion

Chair Weber asked that the Board not act on this matter and asked the Township Manager to meet with Chief Hilk to learn if there is any intent to alter the Police Department's organizational structure.

No action was taken by the Board.

8D Consideration of an Easement Agreement for the Independence Blvd. Storm Sewer Project

Township Manager Stanick reported that in October 2017, the Board authorized the Township Engineer to advertise bids for the Independence Blvd. Storm Sewer Repair Project for the following options: i) storm sewer pipe and manhole replacement; and ii) the installation of a rock

lined swale along the hillside. Prior to advertising bids, it is requested the Board approve the attached easement agreement with the property owner of 411 Independence Blvd. (PIN 600-005-11-00-0012-00). The purpose of the easement agreement is to facilitate the laying, installation, construction and connection of sewer lines within the vicinity of the project.

Following a discussion, Mr. Burns moved to approve an easement agreement for the Independence Blvd. Storm Sewer Project with the property owner of 411 Independence Blvd. (PIN 600-005-11-00-0012-00). Mr. Luketich seconded the motion. The motion passed on a unanimous voice vote.

8E Consideration of Appointments to the Township Agricultural Security Advisory Committee

Following a brief explanation regarding an Agricultural Security Advisory Committee, Chair Weber moved to appoint the following individuals to the South Strabane Township Agricultural Advisory Committee: Janie Deemer (farmer), Albert Connor (farmer), Bill Ursic (resident), Linda Puskarich (farmer) and Laynee Zipko (Supervisor and Chairperson). Mr. Burns seconded the motion. The motion passed on a unanimous voice vote.

8F Consideration of Appointment to the Public Works Negotiations Committee

Chair Weber moved to appoint Mr. Burns and Mr. Luketich to the Public Works Negotiations Committee. Ms. Zipko seconded the motion. The motion passed on a unanimous voice vote.

8G Acceptance of a Letter of Resignation from the Elected Board of Auditors

Township Manager Stanick reported the Township is in receipt of a letter of resignation from Elected Auditor Martin O'Brien for a term expiring December 31, 2019. Township Solicitor Makel advised that the Board of Supervisors is the appointing authority to fill the vacancy.

Mr. Burns moved to accept a letter of resignation from the Elected Auditor Martin O'Brien with the understanding the Township will send a letter of appreciation to Mr. O'Brien. Ms. Zipko seconded the motion. The motion passed on a unanimous voice vote.

9. REPORT FROM SOLICITOR

The Township Solicitor had nothing to report.

10. REPORT FROM SECRETARY/TREASURER

Township Manager Stanick reported the following reports and correspondence have been received between January 6, 2018 through January 12, 2018:

Reports and Other Documents:

- a) Observer-Reporter Ad for Township seeking Letters of Interest for volunteers;

- b) Observer-Reporter Ad for Township Planning Consultant (Request for Qualifications attached);
- c) Legal Notice scheduled for publication in the Observer-Reporter advertising the 2018 Township meeting schedule;
- d) Financial Report for December 2017;
- e) Planning Commission meeting minutes for December 7, 2017; and
- f) Citizens Library financial information through November 30 and December 31, 2017.

Correspondence:

- a) Letter dated January 9, 2018 from Brandon Stanick concerning the amount for the Real Estate Tax Collector's Bonds;
- b) *Letter (w/ attachment) dated January 10, 2017 from Range Resources regarding a Well Location Plat for the Elliott John 11826 7H-12H (BHM) Well in Amwell Township; and*
- c) Letter dated January 12, 2018 from Federal Emergency Management Agency regarding a change to the Township's Flood Plain Map.

11. COMMENTS FROM SUPERVISORS

There were no comments from the Board.

12. ADJOURNMENT

Mr. Moore moved to adjourn the meeting. Mr. Burns seconded the motion. The motion passed on a unanimous voice vote and the meeting adjourned at 8:02 p.m.

Respectfully submitted,

Brandon J. Stanick
Township Manager