

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

July 28, 2020

APPROVED MEETING MINUTES

1. CALL TO ORDER

The July 28, 2020 Regular Meeting of the South Strabane Township Board of Supervisors (Board) came to order at 7:12 p.m. in the Mae C. Reynolds Meeting Room of the Municipal Building (550 Washington Road, Washington, PA 15301).

The following were present:

Board of Supervisors Thomas Moore, Chairman; Rich Luketich, Vice-Chairman; Bracken Burns; Mark Murphy and Bob Weber.

Also Present Township Manager Brandon Stanick; Assistant to the Township Manager Patrick Conners; Township Police Chief Drew Hilk; Township Engineer Kevin Creagh; and Township Solicitor Dennis Makel.

2. PLEDGE OF ALLEGIANCE

Chair Moore led the Pledge of Allegiance.

3. PUBLIC COMMENT

Ms. Kristen Venturino of Wren Way came before the Board to express her concerns regarding the large truck traffic and the use of J-Brakes along State Route 136 (which parallels her property). She highlighted numerous residents in the Windsor Highlands neighborhood have the same concerns. She cited the Township had requested a traffic study through PennDOT for the placement of signage prohibiting the use of J-Brakes along portions of State Route 136. She provided a copy of the Study's findings to the Board. She asked the Board to re-consider the decision not to erect prohibitive signage.

Ms. Betty Haney of Pierce Avenue came before the Board to express her concerns for a home-based business which operates along Pierce Avenue. She stated the businesses clientele has increased over the recent years, noting her traffic and parking concerns. She next discussed vehicular traffic which blocks her access to her property's easement and parking area. She then continued by discussing the contentious relationships between herself and a number of neighbors, citing that on numerous occasions she has been called explicit and derogatory names. She concluded by requesting that Township Code Enforcement Officer Barnes visit her property to observe the situation. Mr. Moore requested that Staff look further into the matter.

4. CONSIDERATION OF REGULAR MEETING MINUTES – JUNE 23, 2020

Mr. Luketich moved to approve the June 23, 2020 Board of Supervisors Regular Meeting Minutes as presented. Mr. Murphy seconded the motion. The motion passed on a unanimous voice vote.

5. FINANCIAL BUSINESS

The Board considered the following financial business:

• Payroll:	\$ 117,765.50 (pay date of July 2, 2020)
• Payroll:	\$ 119,828.26 (pay date of July 17, 2020)
• General Fund:	\$ 221,486.23
• <u>Liquid Fuels Fund:</u>	<u>\$ 12,892.68</u>
Total Expenditure:	\$ 471,972.67

Overtime costs for the period include:

⊖ Police:	\$ 3,499.69
⊖ Fire:	\$ 325.32
⊖ <u>Public Works</u>	<u>\$ 502.52</u>
⊖ Total OT:	\$ 4,327.53 (pay date of July 2, 2020)

⊖ Police:	\$ 7,253.51 (\$3,556.55 due to 1.5x July 4 th Holiday)
⊖ Fire:	\$ 1,012.67
⊖ <u>Public Works</u>	<u>\$ 335.60</u>
⊖ Total OT:	\$ 8,601.78 (pay date of July 17, 2020)

Please know the following expenses are included for this period:

- Municipal Employees Insurance Trust (July Coverage) \$ 55,669.06
- The Bank of New York (Victory Center TIF) \$ 76,678.14

Mr. Luketich moved to approve the payroll for the periods June 14 through June 27 and June 28 through July 11 and the Bills for the period June 18, 2020 through July 22, 2020. Mr. Murphy seconded the motion. The motion passed on a unanimous voice vote.

6. ANNOUNCEMENTS

Township Manager Stanick stated the Public Works Department has been working to replace a portion of stormwater pipe along Berry Road. He noted the project would be concluded by July 31st. Township Manager Stanick also highlighted the Green Team would be performing a litter pickup event along the closed portion of Berry Road on July 29th.

7. TOWNSHIP REPORTS

Municipal Separate Storm Sewer System (MS4) Report

Township Manager Stanick noted the Board of Supervisors allocates a period of time during this item for comments regarding the topic of stormwater. Each person addressing the Board of Supervisors is asked to limit their comments to a maximum of three (3) minutes.

There were no comments received.

Township Solicitor's Report

The Township Solicitor had no report.

Township Manager's Report

Eagle Scout Project

Township Manager Stanick reported that over the course of the previous months Mr. Aiden McCoy has been in communication with Staff and the Green Team concerning a proposed Eagle Scout Project. He noted that Aiden has been working to develop a project which would welcome visitors to South Strabane Township. He highlighted that during multiple Green Team meetings various strategies were discussed which would allow for the selection of a highly trafficked and visible location for the placement of a "welcome" sign will accompanying beautification efforts. He cited that Aiden has been in communication with various property owners and has recently secured permission from CFS Bank along East Beau Street to conduct his project. He concluded by stating a requirement of the Eagle Scout Project is the procurement of monetary contributions for the completion of the project.

Victory Centre Neighborhood Improvement District Meeting

Township Manager Stanick presented a report entitled the Victory Centre Neighborhood Improvement District Tanger Improvement Area A: Annual Installment Report and Amendment of the Assessment Roll for Imposition and Collection of Assessments in 2020 was prepared by the Special Assessment Consultant (MuniCap, Inc.) and was approved by the Neighborhood Improvement District Board at its meeting on June 24, 2020.

Telematic Units for Public Works Fleet

Township Manager Stanick reported that during the week of July 20th, Verizon began installing the telematic units in the Public Works fleet. He stated that it is anticipated installation will be complete within the week and training on the web-based platform will follow.

MS4 Program Inspection

Township Manager Stanick reported that on July 29th, Staff will meet with DEP Officials to review the Township's MS4 Permit and Program, as well as tour several sites that are monitored for post construction stormwater, including: Meadows Landing, Old Mill Shopping Center, the Public Works Facility, Community Park and Police Station. He highlighted this will be the second inspection in the past three years as the previous inspection occurred in the summer of 2017.

Township Engineer's Report

CIPP Lining 2019-03

Township Engineer Creagh reported that Jet Jack is preparing to complete the CIPP lining work on Clare Drive.

Community Park Kitchen and Bathroom 2020-01

Township Engineer Creagh reported that Contracts have been exchanged with J5 Construction and the Township. He noted that it is anticipated that J5 Construction's Notice to Proceed will be in mid-August.

Quarry Road 454-011

Township Engineer Creagh reported that KLH will be surveying the area affected by Columbia Gas in order to determine a Scope of Work.

Building Permit Update

Township Engineer Creagh reported that KLH has worked with Township Staff for updates for the Township's building permit application. He noted the updates will include a more comprehensive impervious lot coverage and setback section.

Planning Commission

Township Engineer Creagh reported that KLH reviewed the Ropele subdivision, the 85 Martha Land Development Plan, and the Phillips Subdivision for completeness reviews. HE noted all applications were considered and recommended for approval by the Planning Commission.

Secretary/Treasurer's Report

The following items have been received or issued between June 19, 2020 and July 24, 2020:

Minutes and Agendas:

- a) Planning Commission Regular Meeting Minutes – June 4, 2020;
- b) Green Team Agenda – July 15, 2020;
- c) Sanitary Authority Agenda – July 22, 2020;
- d) Planning Commission Regular Meeting Agenda – August 6, 2020; and
- e) Zoning Hearing Board Regular Meeting Agenda – August 11, 2020.

Reports and Publications:

- a) Finance Report – June 2020;
- b) Fire Department Report – June 2020;
- c) Volunteer Fire Department Financial Report – June 6 – July 1, 2020;
- d) Public Safety Department Report – June 2020;
- e) Police Department Report – June 2020;
- f) Tax Collector's Report & Interim Collection Only – June 2020;
- g) Animal Control Officer's Report – April 2020;
- h) MS4 Report – June 2020
- i) Township Engineers Report – July 28, 2020;
- j) PSATS News Bulletin – June 2020;
- k) OR, Legal Notice, Text Amendment Public Hearings on July 28, 2020 – 7/7/20 & 7/14/20;
- l) OR, Press Release, Berry Road Closure – July 21, 2020; and
- m) OR, Public Hearing, for 1195 Locust Ave – July 22 & July 29, 2020.

Correspondence:

- a) Letter (*w/o attachments*) dated June 23, 2020 from Rice Energy regarding its renewal permit applications to drill the proposed Big Daddy Shaw in Somerset Township;
- b) Letter dated June 24, 2020 from Township Manager Stanick regarding the NID Board Alt. Appointment;
- c) Letter dated 7/2/20 from Township Mng. Stanick regarding 941 Berry Road Ext. code violation;
- d) Letter dated July 2, 2020 from Township Manager Stanick regarding a Zoning Violation at 1571 N. Main Street;
- e) Email dated 7/6/20 from Township Manager Stanick to Chapman regarding the Southport Development;
- f) Letter (*w/o attachments*) dated July 14, 2020 from Range Resources regarding its renewal of permits application to drill the proposed Day Unit 9H, 10H, 12H & 13H Wells in Amwell Township;
- g) Letter (*w/o attachments*) dated 7/14/20 from Range Resources regarding its revised permit applications to drill the proposed Burnsworth S&T Unit 10H,13H – 16H, 18H & 19H Wells in Amwell Township;
- h) Letter received July 17, 2020 from Aiden McCoy regarding his Eagle Scout Project previously discussed with the Green Team;
- i) Email dated July 20, 2020 from Mary Helicke of 670 Lakeview Drive regarding open burning;
- j) Letter dated July 23, 2020 from Township Manager Stanick to Eric Gordon regarding the bid winner for the 2013 Ford Taurus Police Interceptor; and
- k) Letter dated July 23, 2020 from Gene Roach, Chief of Police of Jefferson Hills Police Department thanking SSTPD for their services during a hard time.

Copies of those items in italics are not attached, but available upon request.

8. UNFINISHED BUSINESS

There was no unfinished business.

9. NEW BUSINESS

9A: Motion Appointing Riley Moore to the Green Team

Mr. Burns moved to appoint Ms. Riley Moore to the Green Team. Mr. Luketich seconded the motion. The motion passed on a unanimous voice vote.

9B: Motion Amending a Road Bond Agreement with Lane Construction Corp. for the I-70 Widening Project

Township Manager Stanick reported the Township is in receipt of a request from Lane Construction Corp. (“Company”) to amend its existing Road Bond Agreement (“Agreement”) for the I-70 Widening Project (“Project”) by including Zediker Station Road for 0.24 mile. He stated that currently the Company has the following roads bonded

- Clare Drive for 0.87 miles;

- Lakeview Drive for 0.525 miles;
- Rankin Road for 0.871 miles; and
- Wilson Road for 0.114 miles.

He highlighted that according to Chapter 220 of the Municipal Code an agreement is required with the Township when seeking to use vehicles, equipment and other machinery that exceed local weight limits for roadways. He stated this ensures adequate funds are available for the maintenance and repair of the roadways being used. He highlighted that for the Board's information, the amount of the bond is determined using a formula from PennDOT (\$12,500 / mile) which results in a total amount of \$32,750 for 2.62 miles of roadway. He stated that according to the Company the addition of Zediker Station Rd. is for the bridge deck replacement of I-70 over Zediker Station Rd.

Mr. Burns moved to amend a Road Bond Agreement with Lane Construction Corp. for the I-70 Widening Project. Mr. Luketich seconded the motion. The motion passed on unanimous voice vote.

9C: Resolution Granting Preliminary and Final Minor Subdivision for the Phillips Subdivision No. 1 Along Elmwood Avenue

Township Manager Stanick reported the Township is in receipt of an application dated November 21, 2019 from Mr. & Mrs. Edward Phillips of 591 Elmwood Avenue (Applicant) seeking Preliminary and Final Minor Subdivision approval for a proposed subdivision along Elmwood Avenue. He stated the purpose of the proposal is to subdivide a portion of lot 600-003-01-03-0013-00 (Lot 5) in order to transfer .191 acres to lot 600-003-01-03-0014-00 (Lot 5A). He noted the proposed lots would measure .303 acre and .314 acre, respectively. He highlighted that as the proposed configuration creates two non-conforming lots, that would not meet the minimum lot size requirements of 0.5 acre (per section 245-64 A (3), the Zoning Hearing Board conducted a Public Hearing on June 9, 2020 and approved the requested variance with the condition that no future development take place on either 596 Locust Avenue or 591 Elmwood Avenue. He reported that according to the Township Engineer, the applications were determined to be complete and in compliance with the Township's Code. At its meeting on July 2, 2020, the Planning Commission recommended the Board grant Preliminary and Final Minor Subdivision approval per the Zoning Hearing Board's stated condition(s) and the Township Engineer's comments.

Mr. Burns moved to grant Preliminary and Final Minor Subdivision for the Phillips Subdivision No. 1 along Elmwood Avenue. Mr. Luketich seconded the motion. The motion passed on a unanimous voice vote.

9D: Resolution Granting Preliminary and Final Land Development Approval to The Stecker Development for the Construction of a 2,400 sq. ft. Commercial Office Building at 85 Martha Drive in the C-2 General Commercial Zoning District

Township Manager Stanick reported the Township received an application for Land Development Approval from the Stecker Development (Applicant), on June 15, 2020 for the construction of a 2,400 sq. ft. commercial office building located along Martha Drive Avenue (Parcel ID 600-001-01-02-0006-01) ("Property"). He stated that at its meeting on July 2nd the Planning Commission

unanimously recommended the Board of Supervisors grant Preliminary and Final Land Development Approval per the Township Engineer's comments.

Mr. Burns moved to approve a Resolution granting Preliminary and Final Land Development approval to the Stecker Land Development for the construction of a 2,400 sq. ft. Commercial Office Building at 85 Martha Drive in the C-2 General Commercial Zoning District. Mr. Murphy seconded the motion. The motion passed on a unanimous voice vote.

9E: Motion Appointing a Full-Time Police Officer

Police Chief Hilk reported that with the departure of Officer Andrew Grace, it is recommended that the Board appoint a full-time officer to fill the vacancy. He highlighted that Mr. Cody Kusluch has proven a worthy candidate through a vigorous testing process. He stated that after a successful background check it is recommended that Mr. Kusluch is selected to serve as a Police Officer within the South Strabane Township Police Department.

Mr. Burns moved to appoint Mr. Cody Kusluch as a full-time Police Officer in the South Strabane Township Police Department. Mr. Luketich seconded the motion. The motion passed on a unanimous voice vote.

9F: Resolution Amending the Police Department Policy and Procedures Manual by Adopting a Comprehensive Update to the Use of Force Policy
Township Manager Stanick presented for the Board's consideration a resolution adopting a comprehensive update to the Police Department's Use of Force Policy. Police Chief Hilk reported the most recent update to the Use of Force Policy was undertaken in 2008 regarding the use of electronic controlled weapons. He highlighted the proposed Policy addresses the following:

- use of force options that are authorized to accomplish lawful objectives;
- the use of deadly force;
- occurrences when the use of weapons are prohibited;
- authorized use of less lethal weapons;
- guidance for seeking medical attention following the use of force;
- requirements for written reports and investigations when use of force is applied;
- guidance for administrative review;
- approved use of weapons and ammunition; and
- required training on approved use of weapons and ammunition.

Mr. Burns moved to approve a Resolution amending the Police Department Policy and Procedures Manual by adopting a Comprehensive Update to the Use of Force Policy. Mr. Weber seconded the motion. The motion passed on a unanimous voice vote.

9G: Public Hearing to Consider Adopting an Ordinance Amending Chapter 245 of the Zoning Code Establishing Boutique Winery as a Conditional Use in the C-2 General Commercial Zoning District

Township Manager Stanick reported that on March 12, 2020 the Township received a concurrent application for a Text Amendment and Conditional Use for the establishment of a boutique winery at 10 McCoy Lane (located within the C-2 General Commercial Zoning District). He stated that the South Strabane Township Planning Commission reviewed the application(s) during their Regular Meetings on June 3, 2020 and July 2, 2020. He reported that by a 3-1 vote in the affirmative, the Planning Commission recommended the attached definition for Boutique Winery as a conditional use in the C-2 General Commercial Zoning District.

He noted the following highlights of the proposed Text Amendment:

- The definition of Boutique Winery establishing parameters for agricultural and production operations on premises;
- The establishment of Boutique Winery as a Conditional Use subject to Section 245-168.6 outlining specific conditions for the use;
- The establishment of minimum lot area for boutique wineries;
- Parameters for ancillary uses including tasting rooms, retail sales, etc.;
- The establishment of permissible hours of operation; and
- Storage, traffic, and parking requirements.

Township Solicitor Makel opened the Public Proceedings regarding the proposed Text Amendment. All testifying parties were sworn in by Court Reporter Sheila Rozanc.

Mr. Burns moved to enter in all public testimony and accompanying materials into the Public Record. Mr. Luketich seconded the motion. The motion passed on unanimous voice vote.

Mr. Michael Cruny, representing the joint-applicants, reported that his clients are seeking to operate a boutique winery on the site of the former Wired Skating Rink (located at 10 McCoy Lane, Washington, PA 15301). He noted that winery/boutique winery is not currently defined in the Township's Zoning Code. He also noted an existing larger agricultural winery is located along Roupe Road within the Township. He highlighted the requested definition designates boutique wineries as a Conditional Use within the C-2 General Commercial Zoning District. He next outlined the definition including lot size requirements and retail components of winery operations.

Mr. Thomas Lonich, representing residents opposed to the establishment of a winery within the Pancake neighborhood, came before the Board to express his clients concerns with the proposed Text Amendment. He highlighted a zoning map illustrating the Pancake neighborhood which is located in the C-2 General Commercial Zoning District. He noted that the majority of the zoning district is residential in nature. He also highlighted the Township's Comprehensive Plan which specifically designates the Pancake and Laboratory neighborhoods as areas within the Township that should be protected in order to prevent blight. He expressed his opinion that an industrial establishment such as a winery will be detrimental to the residential character of the neighborhood and may accelerate blight. He expressed his desire to see a Developer's Agreement instituted for the proposed winery, noting the arterial roads in the immediate vicinity cannot accommodate increased traffic. He continued by noting the proposed establishment is inherently industrial in nature, citing the Code and existing definitions for commercial and industrial establishments.

Mr. Cruny highlighted the proposed definition is consistent with the Municipal Planning Code's definition for commercial establishments citing that a winery should be considered a "like use". He also highlighted a municipality's Comprehensive Plan should be considered a guiding and not a binding document. Mr. Lonich accepted that a Comprehensive Plan is a guide but cited the matter under consideration is legislative in nature.

After some discussion Mr. Burns moved to enter additional exhibits into the Public Record. Mr. Luketich seconded the motion. The motion passed on a unanimous voice vote.

Mr. Burns moved to close the Public Hearing. Mr. Luketich seconded the motion. The motion passed on a unanimous voice vote.

The Board entered into an Executive Session at 8:11 p.m.

The Board returned from Executive Session at 8:20 p.m.

Township Solicitor Makel inquired about delivery vehicles for the winery operation. A discussion regarding potential conditions and delivery routes ensued.

After further discussion, Mr. Burns moved to amend Chapter 245 of the Zoning Code defining and establishing Boutique Winery as a Conditional Use in the C-2 General Commercial Zoning District. Mr. Murphy seconded the motion. The motion passed on a unanimous voice vote.

9H: Public Hearing to Consider a Conditional Use Application for a Proposed Winery for the Property Located at 10 McCoy Lane (former Wired Skating Rink) in the C-2 General Commercial Zoning District

After brief introductory comments made by Township Manager Stanick, all testifying parties were sworn in by Court Reporter Ms. Sheila Rozanc.

Mr. Luketich moved to enter all exhibits and public testimony into the Public Record. Mr. Burns seconded the motion. The motion passed on a unanimous voice vote.

Mr. Lonich began discussion by citing the lack of a traffic study for the proposed winery. Mr. Cruny distributed a copy of the traffic studies completed by the Applicants. A brief discussion ensued regarding the requirements for a formal traffic analysis. Mr. Cruny noted proof of all approvals (i.e. zoning, building code, etc.) would be needed prior to the Applicant receiving approval to operate through the Pennsylvania Liquor Control Board. Mr. Lonich discussed all proposed conditions and highlighted his concerns. Specifically, Mr. Lonich highlighted the hours of operation and parking requirements (i.e. setbacks and number of spaces) as areas of concern.

Mr. Armen Geronian (proposed operator and owner of the winery) came before the Board to discuss his vision and goal for the property of 10 McCoy Lane. He discussed the wine making process citing the simplicity of it. He noted alcohol production is one of the most heavily regulated business endeavors. He discussed the operational timeline of his proposed business highlighting that he will not be able to sell a finished product until 2023. He noted desire to host small events on the property is to generate some revenue to keep his business financially solvent until sales begin. He stated that should it be permitted by the Township, small tours would also be a revenue generator.

Mr. Lonich inquired regarding the delivery schedule for incoming and outgoing products for the proposed winery. Mr. Geronian reported that approximately 3 tractor trailer loads of juice would be delivered annually to the winery. Concerning the export of finished wine, Mr. Geronian could not specify the retrieval schedule of the Pennsylvania Liquor Control Board, who would be the principal purchasing agent. Mr. Lonich proceeded to ask Mr. Geronian a series of questions concerning the proposed operation. A discussion ensued regarding the prohibition of deliveries during school bus hours. Mr. Geronian affirmed he would work with Trinity School District to ensure all deliveries avoid servicing 10 McCoy Lane during specific timeframes that would avoid conflict with school bus schedule.

Ms. Julie Graham, current owner of 10 McCoy Lane and joint-applicant to both petitions came before the Board to answer questions concerning the former use on the property (Wired Skating). She noted that Wired had several deliveries per week for beverages and food supplies. She highlighted the truck sizes varied. Mr. Lonich inquired regarding the last known date of operations within the Wired Skating Rink. Ms. Graham stated that she could not recall a specific month, but cited an approximate timeframe of early 2019. Mr. Lonich expressed his concerns with the infrastructure of the Pancake neighborhood, specifically the lack of sidewalks, poor sight lines, and deteriorating roadways which make the area unsuitable for the proposed business. He noted that school buses do not service large areas of the neighborhood because the roads are not wide.

Ms. Nancy Gray of Pierce Avenue came before the Board to discuss her concerns regarding the proposed business. She noted that children and families should be taken into consideration. She concluded by expressing her concerns with increased traffic. Ms. Jessica McWreath of Lyman Avenue came before the Board to oppose the proposed business. She highlighted the neighborhood is residential and cited an expanded business would not fit in.

After some discussion, Mr. Burns moved to enter in all additional exhibits into the Public Record. Mr. Luketich seconded the motion. The motion passed on a unanimous voice vote.

Mr. Luketich moved to close the Public Hearing. Mr. Weber seconded the motion. The motion passed on a unanimous voice vote.

Township Solicitor Makel read aloud the following Conditions for the proposed winery at 10 McCoy Lane:

- The Applicant must comply with the traffic provisions of Section 245-103 of the Township Code;
- No outside activities shall occur;
- Special indoor events such as bridal showers, baby showers, engagement parties, etc. will be limited to 50 people or less;
- There shall be no amplified sounds (i.e. music, radio, etc.) outside the premises;
- If marketing or promotional events are to be permitted, the number of events shall be no more than 5 in a calendar year;
- All events, including special events, must abide by the established hours of operation and capacity (Sunday – Thursday from 12:00 p.m. – 7:00 p.m. and Friday – Saturday from 12:00 p.m. – 9:00 p.m.);

- All deliveries must occur between the hours of 9:00 a.m. and 2:00 p.m., and in order to avoid school traffic, the Applicant shall coordinate deliveries through the Trinity Area School District;
- Outdoor consumption of wine and or other spirits is specifically prohibited;
- A letter must be secured from the Washington-East Washington Joint Authority (WEWJA) establishing a provisional plan for the disposal of waste and or byproduct of the production process;
- No vehicles shall be permitted to park outside of the designated business parking lot/area(s).
- The Conditional Use Approval only pertains to the manufacturing of wine;
- The Conditional Use Approval is contingent upon receiving operational approval by the Pennsylvania Liquor Control Board;
- The Applicant shall comply with all Township rules and regulations and ordinances regarding the use of the property;
- The Township shall retain jurisdiction of this Conditional Use; and
- Failure to comply with the Conditional Use will result in the revocation of the Conditional Use itself;

Mr. Luketich Moved to approve a Conditional Use with the aforementioned conditions for a proposed Winery to operate at 10 McCoy Lane. Mr. Burns seconded the motion. The motion passed on the following roll call vote.

Ayes: (5) Burns, Luketich, Murphy, Weber, and Chair Moore

Nays: (0)

9I: Public Hearing to Consider Adopting an Ordinance Amending Chapter 245-168.1 and 245-168.2 of the Zoning Code Concerning Definitions of Freshwater and Wastewater Impoundments

Township Manager Stanick stated that during the Board of Supervisors Regular Meeting on November 19, 2020 at the request of the Planning Commission, the Board unanimously moved to direct the Planning Commission to review above ground water impoundments.

He also reported that on March 5, 2020, after several meetings of consideration, the Planning Commission recommended to delete “Impoundment, Freshwater” and “Impoundment, Wastewater” from Chapter 245 of the Township Zoning Code, replacing them with “Certified Water Storage Tank”, “Retention Facility, Freshwater”, and Retention Facility, Wastewater”. He highlighted that the definitions were updated in effort to separate the industrial retention facilities commonly used within natural gas development from the impoundment facilities that are common within agricultural operations. He noted that the term impoundment, both freshwater and wastewater, was added in concurrence with the most recent Deep Well Oil and Gas Drilling ordinance revision implemented in 2016. He cited that prior to that revision, the term and definition for impoundment was not included within the Township’s Zoning Code. He concluded by stating that in the proposed Ordinance, Retention Facilities would be categorized as an accessory use and would only be permitted to supply water (fresh and waste) to an operation located on the same lot.

Ms. Laural Ziemba of Range Resources came before the Board to express her concerns with the precedent that would be set with the enactment of the proposed ordinance. She noted that neighboring municipalities could also adopt similar legislation. Mr. Justin Welker, also of Range Resources, came before the Board to highlight his logistical concerns for water transfer operations with the enactment of the proposed ordinance. He highlighted truck traffic would increase on Township roads by mandating that impoundments can only serve wells on the established well pad. Ms. Krista Staley, serving as Range Resources' legal counsel, highlighted that model legislation could be prepared to assist the Township in crafting a more amicable ordinance.

Mr. Burns moved to table the matter to be considered at a later date. Mr. Weber seconded the motion. The motion passed on a unanimous voice vote.

9J: Public Hearing to Consider Adopting an Ordinance Amending Chapter 245-147 of the Zoning Code Eliminating Mineral Extraction (ME) Districts and Allowing Deep Well Oil and Gas Drilling as a Conditional Use in the A-1 Agricultural Zoning District

Township Manager Stanick reported that during the November 19, 2019 Regular Meeting of the Board of Supervisors, the Board unanimously moved to direct the Planning Commission to review and recommend possible changes to the Township's Zoning Code which would allow oil and gas drilling within the A-1 Zoning District. He cited that on March 5, 2020, over the course of several meetings, and by a 3-2 vote in the affirmative, the Planning Commission recommended that Deep Well Oil and Gas Drilling not be established as a Conditional Use within the A-1 Agricultural Zoning District with the condition that the Mineral Extraction (ME) District be removed from the Township's Zoning Code.

He highlighted the main points of the Planning Commission's discussions included the following:

- Areas of the Township already covered by existing natural gas operations;
- The allocation of Act 13 revenues;
- The macro-environmental impacts of the expansion of natural gas extraction;
- The current market constraints faced by the natural gas industry; and
- The anticipated technological advancements of the natural gas industry.

He stated the Township's current ordinance allows Deep well oil and gas extraction as a Conditional Use in the I-1 & I-2 Industrial Zoning Districts. He reported that each Industrial Zoning District allows for a written notarized waiver exemption which may supersede the Township's current setback for deep well oil and gas drilling of 1,500 feet from a protected structure. He highlighted the waivers are 1,000 feet for I-1 Zoning District and 500 feet for the I-2 Zoning District. He noted that a protected structure is defined as "a dwelling intended for human occupancy".

With the assistance of the Township Engineer, he reported that Staff has developed a Geographic Information System (GIS) based map which will illustrate potential setbacks from protected structures within the A-1 Agricultural Zoning District. Staff will have this available for discussion purposes. He also stated the tool allows for the demonstration of existing and potential footprints of natural gas extraction throughout the Township.

Assistant to the Township Manager Conners provided an interactive illustration outlining the current zoning permissions for Deep Well Oil and Gas Drilling as well as potential restrictions for the A-1 Zoning District. After a brief discussion Mr. Weber inquired regarding wells emanating from outside the Township's boundaries that may be extracting natural gas from under the Township. Ms. Ziemba stated that information is publicly available through the Department of Environmental Protection. Assistant to the Township Manager Conners highlighted the requested information is not readily available on the Township's GIS database. He reported the requested information could be provided for further analysis.

Ms. Nancy Gray of Lyman Avenue stated that she wanted the Township to preserve its integrity and outlined her concerns with the expansion of the natural gas industry. She highlighted that the Pennsylvania Attorney General recently recommended a setback from protected structures of 2,500 feet for Deep Well Oil and Gas operations.

Ms. Cynthia Rossi of Zediker Station Road read aloud the following prepared statement outlining her concerns regarding the expansion of Deep Well Oil and Gas operations within the Township, specifically in the Agricultural Zoning District:

In her Pulitzer prize winning book *Amity and Prosperity*, Pulitzer Prize winner Eliza Griswold details the impacts of unconventional oil and gas development only minutes from where we sit this evening. In a recent Grand Jury Investigation in which Range Resources pleaded no contest, justice, in some degree, was attained for human suffering.

Tonight, after a vote recommending not to permit well drilling in A-1 zones by the Planning Commission on March 5, 2020, there is consideration of violating Article 1, Section 27 of the Pennsylvania Constitution and of impacting the health and welfare of the area and its long-term development in a harmful manner for the benefit of a minority of residents.

Please consider:

1. Wells were placed in Agricultural Zones prior to the adoption of the current zoning ordinance. Only one well pad is cited in an Industrial zone and there is I-1 and I-2 acreage that could accommodate industrial activity such as drilling.
2. Consideration of changing the 1500-foot buffer in A-1 would encourage the industry to petition for change in Industrial zones.
3. Why is the drilling industry permitted to negotiate or obtain a waiver from a homeowner for a variance to the set-back requirements when a homeowner must appeal to the Zoning Hearing Board for a few extra set back feet to build a residential structure? Are there *two* classes of justice in South Strabane Township?
4. Buffer zones should be increased to the 2500-foot minimum called for the by Attorney General of Pennsylvania rather than minimizing them.

5. Please recall Range Resources "pleaded no contest in Washington County Court to 16 misdemeanor counts, including unlawful conduct and operating an unsafe or nuisance facility" according to a June 14, 2020 *Observer Reporter* news article. According to an industry site, Marcellus gas or Range Resources has incurred 173 enforcement events with penalties totaling \$528,150 up to June 3, 2020, excluding \$150,000 assessed recently according to a July 16, 2020 *Observer Reporter* article. There were a total of 688 violations from 1433 active wells, a 19% active well to violation ratio. They have a total Pennsylvania inventory of 2318 well permits, 885 of which have not been drilled.
6. Finally, the rationale that more wells mean more income to the Township is misleading. Peters Township has no wells and has received \$3,349,555 since Act 13 monies were mandated. South Strabane has 29 developed wells and many undrilled wells and has received \$2,054,278 - OR - one third less than an area with no wells.
7. Royalties for a 2½ acre lease assigned to Range's Baumel pad were \$32.72 on a check issued 6/30/20. Royalties for that acreage on June 28, 2019 were \$870.39. Increased production does not mean increased royalties. You can approve more damage and harm, ignore medical data, and stuff the pockets of so few by allowing more wells to be drilled in A-1 zones, thereby continuing the Appalachian path to self-immolation, or you can do the right thing and say as I say, We are better than that".

The following comments were received prior to the Meeting and read aloud into the Public Record:

Art Sullivan – Warrick Drive

Re: Township of South Strabane Board of Supervisors Regular Meeting

Agenda

New Business

Public Hearing to Consider Adopting an Ordinance Amending Chapter 245-147 of the Zoning Code Eliminating Mineral Extraction District (ME) Districts and Allowing Deep Well Oil and Gas Drilling as a Conditional Use in the A-1 Agricultural Zoning District.

I offer the following relating to the above agenda item.

1. Shale gas well pads currently in place are capable of supporting extraction of nearly all commercially recoverable shale gas within the boundaries of our Township.
2. The gas industry is currently, and for the near-term foreseeable future, limiting capital outlays for new production sources.
3. Expansion of the number of well pads and/or the reduction of buffers between well pads and other properties will diminish the value of these other properties and interfere with the quiet enjoyment of these properties by their owners.
4. Changes in Chapter 245-147 of the Zoning Code are not now needed.
5. I suggest this issue be deferred until a gas producer contacts our Township with a request that is contrary to the existing Code provisions.
6. When a request is made by such gas producer, that entity should be prepared to provide detail that allow our Township to specifically determine if changes to the existing Code are appropriate and needed, and if changes will benefit our Township.

To Mr. Conners
From Jack Keisling
29 Green Crescent Drive
South Strabane Township

RE: Please read my comments at the hearing on the change proposed in the Oil and Gas Ordinance 7-28-2020. Thank you.

I support the decision of the South Strabane Planning Commission not to approve changing our Oil and Gas Ordinance. The Planning Commission is very experienced and has two certified civil engineers as members.

South Strabane has spent approximately \$100,000 to mediate a settlement with Range Resources in a Washington Court Case and wrote the current Ordinance for Gas Drilling. The Ordinance set wells no closer than 1,500 feet from homes and 2,500 feet from schools and parks. Many conditions in the Ordinance protect the health and welfare of the residents of South Strabane. The long-range plan recently approved by South Strabane Supervisors by unanimous vote did not contain as a goal to increase fracking or drilling in agricultural areas, but only in industrial zoned regions. Residential development was encouraged where possible. It would be important for Range Resources to present the location of new well pads and pipe lines to transport gas. No building or roads can be built on rights of ways for gas lines which results in a reduction of future real estate development in South Strabane Township.

What is the benefit to all residents of the Township with more land lost to drilling, pollution, and road traffic and possible gas explosions. You might ask Range if they will place a well on Washington Golf Course Property?

Respectfully, Jack Keisling.

After some discussion Mr. Burns moved to table the discussion. Mr. Weber seconded the motion. The motion passed on a unanimous voice vote.

9K: Public Hearing to Consider Adopting an Ordinance Repealing and Replacing Chapter 109 of the Municipal Code Concerning Steep Slopes and Grading

Township Manager Stanick stated that recent events in North Strabane Township spurred the Planning Commission and Board of Supervisors to consider a more protective and comprehensive set of regulations concerning development along steep slopes. He highlighted that with the guidance of Township Engineer Creagh, and borrowing heavily from the recently adopted Steep Slope Ordinance of North Strabane Township, Staff developed a comprehensive ordinance outlining modern standards for development in areas with steep topographies. He highlighted the proposed Ordinance encompasses the Township's permitting and review process in regards to grading. He stated the proposed Amendment will repeal the entirety of existing Chapter 109 of the Township's Code, replacing it with the aforementioned updates.

He cited highlights of the new regulations include the following:

- Establishes a comprehensive list of definitions;
- Establishes the Township Engineer as the designated Administrator for review, inspection, and approval/granting of grading permits. All Enforcement measures shall be carried out by the appointed Township Building Code Official(s);
- A Building Permit shall be required for any non-agricultural earth disturbance greater than 36" (previously 18") in depth and or greater than 5,000 sq. ft. of earth disturbance;
- Grading Permits shall not be required for work conducted by utility agencies under the guidelines of the PUC as well as work performed by the Township or the Township's designated contractor(s);
- A Slope Stability Analysis shall be required for any grade having a greater slope than 3 (horizontal) to 1 (vertical); and
- Establishes enforcement protocols and inspection procedures for the designated Administrator.

Ms. Krista Staley, serving as Range Resources' legal counsel, highlighted that Deep Well Oil and Gas operations are exempted from local legislation concerning grading/earth moving activities. She noted the industry must abide by standards set forth by the Pennsylvania Department of Environmental Protection. Township Manager Stanick stated past grading activity in this region has shown to be problematic if not done correctly. He highlighted maintaining standards for grading operations, both large and small, is essential. He concluded by stating the presented Ordinance doesn't supersede DEP Regulations, but does require Range Resources to apply for a grading permit.

After some discussion, Mr. Burns moved to adopt the presented Ordinance repealing and replacing Chapter 109 of the Municipal Code concerning steep slopes and grading with the notation that the comments submitted by Range Resources are acknowledged on the record. Mr. Weber seconded the motion. The motion passed on a unanimous voice vote.

9L: Public Hearing to Consider Adopting an Ordinance Amending Section 162 of the Municipal Code Prohibiting Smoking in Township Parks

Township Manager Stanick reported that earlier this year the Board directed Staff to formulate an ordinance prohibiting smoking or vaping in Township parks and at its meeting on April 30th directed Staff to advertise and prepare for a public hearing. He stated that a public notice was published in the June 26th edition of the Observer Reporter pursuant to Section 1601 of the Township Code related to ordinances to enforce general powers of the Township.

He summarized by stating the Smokefree Parks Ordinance presented for the Board's consideration prohibits smoking (tobacco and e-cigarette) in any Township park, playground or recreational area and within 25 feet of all playgrounds with enforcement conducted by the Police Department. He reported the Smokefree Parks Ordinance has been updated since its advertisement by removing Township Code Enforcement Officer as an entity to enforce the new regulation (refer to pg. 3 of the ordinance). He concluded by highlighting that should the Board adopt the proposed ordinance, within 30 days a copy would then be forwarded to the Washington County Law Library, as well as the Township's codifier General Code.

Mr. Luketich stated his desire to ban all Tobacco products from Public Parks, including smokeless tobacco products. It was the consensus of the Board to ban smokeless tobacco products from Parks.

After a brief discussion, Mr. Weber moved to adopt an Ordinance amending Section 162 of the Municipal Code prohibiting smoking and smokeless tobacco in Township Parks. Mr. Luketich seconded the motion. The motion passed on a unanimous voice vote.

9M: Motion Approving a Township Social Media Policy

Community Relations Intern Ms. Renna Wrubleski reported that in recent years, the Police, and Administrative Departments of South Strabane Township have launched social media platforms in the Township's name to efficiently communicate Township news to residents. She stated that in order to establish a common purpose and usage throughout all current and future social media platforms created in the Township's name, a social media policy was written in collaboration with the Police and Administrative Departments. She highlighted that social media policies from regional and state municipalities, such as Hampton Township and Whitemarsh Township, were used as references in the creation of South Strabane Township's social media policy.

She summarized by stating the policy establishes definitions concerning social media platforms and authorized users, as well as guidelines and regulations for both public visitors commenting on the Township's social media platforms and authorized users posting from the Township's social media platforms.

Mr. Weber thanked Ms. Wrubleski for her efforts.

Mr. Burns moved to approve a Township Social Media Policy. Mr. Luketich seconded the motion. The motion passed on a unanimous voice vote.

9N: Motion Authorizing Liens on Properties Located at 906 Idaho Street and 1356 E. Beau St. for Violations of the ICC Property Maintenance Code

Township Manager Stanick reported that Pursuant to Section 302.4 of the South Strabane Township Property Maintenance Code, grass, weeds and similar vegetation are not permitted to grow in excess of eight inches. Should property owners fail to comply with this regulation within seven days of receiving a written notice from the Township, the Board of Supervisors may require the removal of the violation and lien the property for the cost of the work.

He reported that notices have been sent (and received) to the owners of 906 Idaho Street and 1356 East Beau Street without response. He stated that estimates received over the phone resulted in a range of \$300 to \$600 to address the violations. He concluded by recommending the Board authorize the removal of the violations and lien the aforementioned property once the Township reaches a total cost of \$500.00 for the work.

Mr. Burns moved to authorize liens for 906 Idaho Street and 1356 E. Beau Street for violations of the ICC Property Maintenance Code. Mr. Luketich seconded the motion. The motion passed on a unanimous voice vote.

9O: Motion Appointing a Steering Committee for the Fire Services Strategic Planning Initiative with the Volunteer Fire Department

Township Manager Stanick reported earlier this year the Board of Supervisors engaged Jerry Ozog as consultant to facilitate the Township's Fire Services Strategic Planning Initiative with the Volunteer Fire Department. He stated the purpose of this initiative is to better understand the future of fire and emergency medical service delivery for residents and businesses. He highlighted a part of this process will include working closely with a Steering Committee that will formulate a plan and recommendation for the Board of Supervisors and the Volunteer Department to consider. He recommended the Board appoint the following to serve on the Steering Committee: Bracken Burns, Supervisor; Rich Luketich, Supervisor; Art Sullivan, Resident; Brandon Stanick, Township Manager; Scott Reese, Fire Chief; Michael Campbell, Career FF; Wyatt Streator, Career FF; and Steve Sluzynsky, Career FF.

Mr. Burns moved to appoint the recommended members to the Fire Services Strategic Planning Initiative with the Volunteer Fire Department. Mr. Luketich seconded the motion. The motion passed on a unanimous voice vote.

9P: Motion Accepting the Highest Bid in the Amount of \$4,609 for the Sale of a 2013 Police Interceptor

Assistant to the Township Manager Conners reported that on July 9th Staff listed a 2013 Ford Taurus (Police Interceptor) for sale on the Municibid Platform. He highlighted that comparable trade-in value was estimated at approximately \$2,000.00. He stated that on July 23rd after a period of 14 days, Mr. Eric Gordon submitted the winning bid in the amount of \$4,609.00. He concluded by stating Mr. Gordon will have 10 days to submit payment and remove the vehicle from Township property.

Mr. Burns moved to accept the highest bid in the amount of \$4,609.00 for the sale of a 2013 Police Interceptor. Mr. Luketich seconded the motion. The motion passed on a unanimous voice vote.

9Q: Motion Accepting the Commitment Letter Dated July 15, 2020 from CFS Bank for the Financing of the Community Park Bathroom Kitchen Project in the amount of \$235,000

Township Manager Stanick reported that at its meeting on June 23, 2020, the Board awarded the bid for the Community Park Restroom/Kitchen Project ("Project") in the amount of \$220,000 to J5 Construction and directed the Township Manager to proceed with short term financing (i.e., General Obligation Note) to fund the Project. He highlighted that following discussions with three financial lending institutions, CFS Bank offers the most competitive financing and structure with a 1.25% fixed rate General Obligation Note (tax exempt), in the amount of \$235,000 (greater than the cost in the event of any unforeseen circumstances) that is to be paid in full by December 31, 2021.

Township Manager Stanick presented for the Board's consideration a commitment letter from CFS Bank outlining the terms and conditions. He stated that should the Board accept the commitment letter, an ordinance will be prepared and advertised according to the PA Local Government Unit Debt Act requirements and be presented for the Board's consideration at its next meeting.

Mr. Burns moved to accept the commitment letter dated July 15, 2020 from CFS Bank for the financing of the Community Park Bathroom Kitchen Project in the amount of \$235,000. Mr. Luketich seconded the motion. The motion passed on a unanimous voice vote.

9R: Motion Appointing a Consultant for the Update to the Community Park Master Plan

Township Manager Conners reported that the 2020 Annual Budget programs \$35,000 for the Township to engage a consultant to facilitate a community engagement process to provide a comprehensive update to the Township's Community Park Master Plan that was created in 2001. He stated an RFP was issued June 23rd requesting proposals no later than July 15th and generated seven professional responses from local engineering and urban planning firms. He highlighted that of the seven proposals, four firms (Pashek, EPD, HRG and Mackin) were interviewed on July 28th by Mr. Burns, Mr. Murphy, Mr. Stanick and Mr. Conners.

He reported that the Committee recommends the Township appoint Pashek – MTR as consultant in the amount not to exceed \$33,955.

Mr. Burns moved to appoint Pashek-MTR as Consultant to update the Community Park Master Plan in the amount not to exceed \$33,955. Mr. Weber seconded the motion. The motion passed on a unanimous voice vote.

9S: Motion Authorizing Staff to Publish a Public Notice to Consider an Update to the Township's Open Burning Ordinance

Township Manager Stanick reported that from time to time the Township receives complaints regarding open burning. He stated that should the Board desire to consider a change to the Township's burning regulations, it is recommended Staff be authorized to research the issue and publish a public notice for a possible amendment to the Municipal Code that would prohibit burning in residential areas.

Mr. Burns moved to authorize Staff to publish a Public Notice to consider an update to the Township's Open Burning Ordinance. Mr. Weber seconded the motion. The motion passed on a unanimous voice vote.

a. **ADJOURNMENT**

Mr. Weber moved to adjourn the meeting. Mr. Burns seconded the motion. The motion passed on a unanimous voice vote and the meeting adjourned at 10:50 p.m.

Respectfully submitted,

Brandon J. Stanick
Township Manager