

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

MARCH 6, 2018

APPROVED MEETING MINUTES

1. CALL TO ORDER

The March 6, 2018 Regular Meeting of the South Strabane Township Board of Supervisors (Board) came to order at 7:03 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, Engineer; and Scott Reese, Fire Chief.

A list of 25 visitors is on file at the Municipal Building.

Chair Weber advised the Board met in Executive Session prior to the meeting and discussed personnel matters.

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.

Mr. Eric Zipko (resident on Berry Rd.) stated he is pleased the Board is considering the proposed agricultural security area this evening.

Mr. Gary DeNunzio (resident on Manifold Rd.), Public Works Local 272 Union Steward, stated the Public Works Department approached the Township in good faith to arrange negotiations and prevent arbitration. On February 14th, the dates of March 7th and March 8th were determined to be negotiation meetings. These meetings were cancelled by the Township on February 28th with no shown intention to reschedule. He continued and stated in preparation for legal fees concerning the Police Department and Fire Department unions, \$70,000 was budgeted for in 2018. Continuing negotiation avoidance with the Public Works Department will likely push this number to over

\$100,000, not including potential arbitration costs. We are once again asking both parties to meet in good faith negotiations as soon as possible.

Mr. DeNunzio distributed his comments to the Board.

Township Solicitor Makel advised the meeting was cancelled because of a funeral.

Ms. Judi Panasik (resident on Green Crescent Dr.) asked the Board not reappoint individuals to advisory boards that make people not want to get involved in the community. She congratulated newly appointed Police Chief Drew Hilk and commended the Police Department on their service to the community.

Janie Deemer (resident on Zediker Station Rd.) asked the Board to approve the proposed agricultural security area noting that all surrounding Townships have agricultural security areas. She expressed her support for the Board to appoint new people to serve on Township boards and commissions.

Mr. Jerry Angelo (resident on Rankin Rd.) expressed his concern for the condition of Wilson Road noting he hopes the road bond is still in place. He also remarked that Supervisors should not vote on anything that is a conflict of interest. He inquired what is the Board going to do with park and recreation in the Township this year.

4. CONSIDERATION OF MEETING MINUTES – FEBRUARY 27, 2018

Ms. Zipko moved to approve the Board of Supervisors Regular Meeting Minutes for February 27, 2018 as presented. Mr. Moore seconded the motion. The motion passed on a unanimous voice vote.

5. FINANCIAL BUSINESS

Township Manager Stanick reported the following financial business:

- Payroll: \$ 113,356.97 (pay date of March 2nd)
- General Fund: \$ 58,864.00
- **Total Expenditure:** \$ **172,220.97**

- Overtime costs for the period include:
 - Police: \$ 2,452.13
 - Fire: \$ 1,296.07
 - Public Works: \$ 3,327.00
 - **Total OT:** \$ **7,075.20**

Mr. Moore moved to approve the payroll for the period February 11 through February 24, 2018 and Bills for the Period February 22 through February 28, 2018 as presented. Mr. Luketich seconded the motion. The motion passed on a unanimous voice vote.

Chair Weber asked if there was any objection to taking item 9A (swearing in of Chief Hilk) and then returning to the regular order of the meeting. There were no objections from the Board.

9A Swearing in of South Strabane Township Chief of Police Drew Hilk

Magisterial District Judge Jay Weller administered the Oath of Office to Police Chief Drew Hilk. Time was taken to allow those in attendance to express their congratulations to Chief Hilk and his family.

6. ANNOUNCEMENTS

Township Manager Stanick announced the Township is in receipt of additional agricultural security area applications for the following addresses: 555 Davis School Rd., 80 Meyers Rd., 790 Berry Rd., 38 Beagle Club Rd., and 199 Booth Rd. for a total of 409.27 acres.

Additionally, Mr. Stanick reported he participated in the Flood Summit at Washington City Hall today and met with officials from the Army Corps of Engineers, Department of Environmental Protection and surrounding municipalities to kick-off a region-wide planning effort to mitigate flooding of local streams and tributaries.

7. TOWNSHIP REPORTS

The Township Solicitor had no report.

Township Secretary Stanick reported the following items have been received or issued between February 24 and March 2, 2018:

Reports and Other Documents:

- a) Finance Report – January 2018;
- b) Fire Department Report – February 2018;
- c) Public Safety Report – February 2018;
- d) Tax Collector's Report – February 2018;
- e) Planning Commission Meeting Minutes – February 1, 2018;
- f) Zoning Hearing Board Agenda – March 19, 2018;
- g) PSATS News Bulletin – January thru February 2018;
- h) Washington County Conservation District Newsletter - February 2018;
- i) Flood Summit Notice – Tuesday, March 6, 2018; and
- j) Public Notice for the rescheduled Board of Supervisors meeting from March 13 to March 6, 2018.

Correspondence:

- a) Letter dated February 12, 2018 from Washington Penn Plastic Co., Inc. notifying the Township of its application for a State Air Operating Permit to the PADEP;
- b) Letter dated February 19, 2018 from Comcast regarding future changes to its channel line-up;

- c) Letter (w/ attachment) dated February 23, 2018 from Range Resources regarding a Well Location Plat for the Elliott John 11826 7H (modify lateral) Well in Amwell Township;
- d) Letter received February 23, 2018 from PennDOT advising the Township's Road Turnback Annual Maintenance payment in the amount of \$9,400 will be paid March 1, 2018; and
- e) Email dated March 1, 2018 from Laural Ziemba of Range Resources providing an update on gas well activity in South Strabane.

8. UNFINISHED BUSINESS

8A Consideration of Appointments to the: Building Code Appeals Board, Comprehensive Plan Implementation Committee, South Strabane Sanitary Authority, Vacancy Board and the Zoning Hearing Board

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

Ms. Zipko moved to appoint Ron Carrola to the Building Code Appeals Board for a term ending December 31, 2020. Mr. Moore seconded the motion. The motion passed on a unanimous voice vote.

Mr. Luketich moved to appoint the following individuals to serve on the Comprehensive Plan Implementation Committee for a term ending December 31, 2018: David Fisher, James Stewart, Jack Keisling, Michael Sherrieb and Kathy Pienkowski. Mr. Moore seconded the motion. The motion passed on a unanimous voice vote.

Mr. Moore moved to appoint Donna Fox to serve on the South Strabane Sanitary Authority for an unexpired term ending December 31, 2019. Mr. Luketich seconded the motion. The motion passed on a unanimous voice vote.

Mr. Luketich moved to appoint Robert Jones to serve on the Vacancy Board for a term ending December 31, 2018. Mr. Moore seconded the motion. The motion passed on a unanimous voice vote.

Mr. Moore moved to appoint James Stewart as a Voting Member of the Zoning Hearing Board for a term expiring December 31, 2020. Mr. Luketich seconded the motion. The motion passed on a unanimous voice vote.

9. UNFINISHED BUSINESS

9B Site Access Agreement Between the Township and CW Wright Construction Co., Inc. to Park Vehicles/Equipment on Township Property

Township Manager Stanick reported the Township entered into an agreement with CW Wright Construction Co., Inc. (Company) last year to allow it to park its vehicles and equipment for \$200 per month at the Township's former Public Works Building (Property) for work being done in the area.

The Company is requesting the Township enter into a similar agreement to allow the same at the Property. The following is a summary of the terms of the attached Site Access Agreement:

- Provides the Company the right and permission to use the Property for parking and storage of vehicles and equipment;
- Term from March 7 through December 31, 2018 with the understanding that the Property will be used on an intermittent basis at a cost of \$400 per month while the Property is being used;
- Company agrees to indemnify the Township, its Board of Supervisors, individual Supervisors, Township Manager, Employees, contractors, agents, etc. for any liability, damages, injuries etc. that may occur as a direct result of using the Property; and
- Company must keep the Property clean and suitable and to the satisfaction of the Township.

Mr. Moore moved to approve the site access agreement between the Township and the Company. Mr. Luketich seconded the motion. The motion passed on a unanimous voice vote.

9C Authorization to Obtain Price Quotes for Soils Analysis at the Garber Road Slide Location

Township Manager Stanick report at its meeting on February 27, 2018, the Board received an updated from Township Engineer Michael Sherrieb concerning the slip on Garber Road. It was recommended by Mr. Sherrieb that soils sampling and analysis be completed in the slide area of the downhill slope along Garber Road, as well as in the roadway and in the uphill slope. This will allow for a complete understanding of the factors causing the soil instability and the location of the instability. It was also reported that this report will provide detailed remediation and slope stabilization requirements to assure this area is properly stabilized to prevent future slides. KLH Engineers estimates this work will cost \$8,000 to \$10,000.

It is recommended the Board authorize Staff to obtain a price quote for the soils analysis. The analysis will not take place until the quotes are reviewed with the Board and formal authorization is granted.

Township Engineer Sherrieb stated the analysis will help in understanding what conditions caused the slip and the location of the unstable soils.

Mr. Luketich moved to authorize Township Engineer Sherrieb to obtain price quotes for soils analysis at the Garber Road slip location. Mr. Moore seconded the motion. The motion passed on a unanimous voice vote.

9D Public Hearing and Resolution Adopting and Approving the South Strabane Township Agricultural Security Area (342 Zediker Station Road and 485 Rankin Road)

Township Solicitor Makel advised that under the Agricultural Security Area (ASA) Law a public hearing is required to consider the proposed applications.

Ms. Sheila Roznac, Stenographer, administered the oath to those in attendance.

Township Solicitor Makel asked that the following be placed into evidence:

Exhibit A – Proposal for the creation or modification of an Agricultural Security Area;
Exhibit B – Agricultural Security Area Compliance Checklist;
Exhibit C – Letter from the Washington County Planning Commission (Caroline Sinchar); and
Exhibit D – Map of the Agricultural Security Area.

Mr. Burns moved to enter the aforementioned exhibits into the record as evidence. Mr. Luketich seconded the motion. The motion passed on a unanimous voice vote.

Township Solicitor Makel reviewed the ASA Law noting the purpose of the Act is to protect farmland in terms of nuisance violations.

Ms. Janie Deemer (resident on Zediker Station Rd.), Member of the ASA Advisory Committee, stated that an ASA is different than Farmland Preservation and is a prerequisite to participation in the Farmland Preservation Program. All other Townships in SW Pennsylvania have had ASAs for many years. She noted her passion for farming and asked the Board to approve the establishment of the ASA.

In response to questions from Township Solicitor Makel, Ms. Deemer advised of her understanding of an ASA noting it protects farmland from nuisance violations and eminent domain on a local level.

Ms. Cynthia Rossi (resident on Zediker Station Rd.) stated that Pennsylvania has one of the strictest right-to-farm laws in the nation, which it protects farmers against nuisance violations, so an ASA is not needed to protect farmland from nuisance charges. Ms. Rossi expressed her concerns with the Township's process to consider the proposed ASA. She advised that the public was not notified of the hearing as the incorrect agenda was posted on the website. She also expressed concern for the ASA Advisory Committee meeting was held during the day and one day prior to the Planning Commission's meeting.

Ms. Rossi also expressed concern that 20 acres of a property proposed in the ASA will be home to a gas well site and questioned if this land would remain viable farmland.

Mr. Burns inquired if the Township followed the law, and if not, what would be the remedy.

For clarification, Township Manager Stanick reported that on September 7, 2017, the Township received a complete application for the creation of an ASA from Jane Deemer & Francis Black and Albert & Rita Connor (Applicants) for the properties located at 324 Zediker Station Road and 485 Rankin Road (Application). The Board acknowledged receipt of the proposed ASA on September 12, 2017 and a public notice, pursuant to the ASA Law, was published on October 4, 2017 advising a proposal had been received by the Township and the 15-day period to propose any changes to the Application closed on October 19, 2017; no proposed changes were received.

He also reported that following the Board's appointment of the Township's ASA Advisory Committee (consisting of three farmers, one resident and one Supervisor), it met on February 28th and determined the Application was in compliance with the ASA Law, and recommended the Board establish the South Strabane Township ASA without modification by including 188.55 acres of 324 Zediker Station Road and 88.82 acres of 485 Rankin Road for a total area of 277.37 acres, exceeding the minimum requirement of 250 acres to establish an ASA. On March 1, 2018, following a review and discussion of the criteria used to evaluate an Application, the Planning Commission recommended the Board approve the establishment of the ASA subject to the compliance checklist and the goals and objectives of the Comprehensive Plan. He noted that the Washington County Planning Commission also reviewed the Application, specifically the soil classifications of each parcel. The County found that all parcels identified in the Application exceed the minimum requirement that 50% of the total acreage of each parcel falls into Soil Capability Classes I-IV.

Township Manager Stanick reported a notice was published in the March 4th (at least 24 hours before hearing) edition of the Observer-Reporter advertising the March 6th Public Hearing. As required by Law, notices have been posted in five conspicuous places in the Township, including: i) the Municipal Building, ii) Police Station, iii) Tractor Farm Supply Co., iv) onsite at 324 Zediker Station Road, and v) onsite at 485 Rankin Road. Letters advising of the Public Hearing have also been delivered to the Applicants as required.

Township Manager Stanick stated that the incorrect agenda for the Planning Commission Regular Meeting was posted erroneously. Township Solicitor Makel confirmed in his opinion the Township is in compliance with the ASA Act.

Mr. Zipko remarked that people move to South Strabane because of its open space and farmland and this program helps preserve those features. He noted, from attending the Comprehensive Plan meetings, that agriculture is a use of land that is most beneficial in the terms of costs for services

At the request of Ms. Rossi, Mr. Burns moved to accept the ASA Timetable into the record. The motion failed for lack of a second.

Ms. Nancy Gray (resident on Pierce St.) stated that Ms. Rossi may be accurate in stating the timeline was not strictly followed, but the Washington County Planning Commission says it's a petition worth pursuing.

Ms. Panasik noted a previous circumstance in the Township that was not favorable to farmland that was preexisting prior to the Zoning Code. She expressed her understanding that this program protects against complaints about farms that have always existed.

Chair Weber reviewed what an ASA is and its purpose. He also noted the Township has the responsibility for reviewing the ASA every seven years.

Ms. Zipko stated that there is a growing trend to return to farming. She stated that the Township needs to do its part for society by allowing green spaces and for people to continue farming.

Mr. Luketich stated the Township has plenty of developed land already and expressed support for having an ASA.

Mr. Burns stated ASA as soon as possible.

Mr. Moore stated it sounds like the ASA is a work in progress. He noted it's better to have continued positive progress than flawed perfection.

Ms. Zipko moved to close the public hearing. Mr. Luketich seconded the motion. The motion passed on a unanimous voice vote.

Mr. Moore moved to approve the resolution adopting and approving the South Strabane Township ASA. Mr. Luketich seconded the motion. The motion passed on a unanimous voice vote.

9E Approval of a Job Description for the Position of Accountant

Township Manager Stanick reported it is requested the Board formally adopt the job description for the position of Accountant. The Township Solicitor has reviewed the document and finds it satisfactory. In the future, the Board will be asked to formally adopt all job descriptions for Township personnel as they are created and/or updated.

Mr. Moore moved to approve the job description for the position of Accountant. Mr. Luketich seconded the motion. The motion passed on a unanimous voice vote.

10. ADJOURNMENT

Mr. Moore moved to adjourn the meeting. Mr. Luketich seconded the motion. The motion passed on a unanimous voice vote and the meeting adjourned at 8:07 p.m.

Respectfully submitted,

Brandon J. Stanick
Township Manager