

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

APRIL 10, 2018

APPROVED MEETING MINUTES

1. CALL TO ORDER

The April 10, 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; Christopher Furman, Township Solicitor; Michael Sherrieb, Engineer; and Scott Reese, Fire Chief.

A list of 10 visitors is on file at the Municipal Building.

Chair Weber advised the Board met in Executive Session prior to the meeting and discussed ongoing litigation and 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. Tom Hincy (resident on Shawnee Dr.) expressed his concern regarding the seeding along the roadway edges in Strabane Manor. He also noted last year the Board approved a request for a group of residents to play pickle ball at Community Park using the overflow parking lot. He stated that there are cracks in the surface of Shawnee Dr. near 2143 and 2147 Shawnee Dr.

Mr. Tom Lonich (resident on Davis School Rd.) expressed his desire for the Board to amend the Township's waste drop-off site policy to allow residents to drop off landscape waste on Saturdays. The site is currently only open on Mondays and Tuesday from 7:30 a.m. to 2:30 p.m. and is not convenient for residents. He stated that his request to amend the policy has never been addressed. He provided a brief analysis of the possible costs the Township would incur if it were to open the

site on Saturdays. He suggested a Police Officer could be onsite to monitor the site. He asked the Township to address his request.

Ms. Denise McDaniel (resident on Strabane Dr.) shared her concerns regarding the proposed holding tank agreement for 37 Strabane Dr. She asked why the Township would not want a permanent sewage system instead of a holding tank. This amounts to an average cost of \$600/month for a family of two. The property is listed for sale on April 25, 2018. She also expressed her concern that the DEP is not involved in this matter. She stated she is unclear about the rules and regulations of the holding tank agreement.

Mr. Jerry Angelo (resident on Rankin Rd.) suggested the Board address the waste drop-off policy as suggested previously. He also expressed his concern that Lane Construction is not keeping the mud off of Rankin Road and would like the Township to address the matter.

4. CONSIDERATION OF MEETING MINUTES – MARCH 27, 2018

Ms. Zipko moved to approve the Board of Supervisors Regular Meeting Minutes for March 27, 2018 with a correction requested by Mr. Burns to the last sentence of paragraph 3 on page 3 concerning riparian buffers. Ms. Zipko seconded the motion. The motion passed on a unanimous voice vote.

5. FINANCIAL BUSINESS

Township Manager Stanick reported the following financial business:

- Payroll: \$ 109,617.55 (pay date of March 30th)
- General Fund: \$ 85,236.63
- Liquid Fuels: \$ 0.00
- **Total Expenditure: \$ 194,854.18**

- Overtime costs for the period include:
 - Police: \$ 4,640.83
 - Fire: \$ 1,400.28
 - Public Works: \$ 1,087.00
 - **Total OT: \$ 6,105.99**

Mr. Burns moved to approve the payroll for the period March 11 through March 24, 2018 and Bills for the Period March 23 through April 4, 2018 as presented. Mr. Moore seconded the motion. The motion passed on a unanimous voice vote.

6. ANNOUNCEMENTS

Township Manager Stanick announced the ASA Advisory Committee is scheduled to meet on April 12, 2018 at 5:00 p.m. at the Township Building. Additionally, he noted that the Fire

Department received a grant from Range Resource' Good Neighbor Fund in the amount of \$5,000. The money will be used toward the purchase of new self-contained breathing apparatus for the Fire Department.

7. TOWNSHIP REPORTS

Presentation from Wasington County District Attorney Gene Vittone

District Attorney Vittone advised that the State allows the forfeiture of drug activity money to be shared with local law enforcement agencies. District Attorney Vittone presented Chief Hilk with a check in the amount of \$1,961 representing the portion collected in the Township. Additionally, he announced April 28, 2018 as National Take Back Day which encourages people to dispose of unused and expired medications. People may deposit medications in the box located at the Police Station.

Township Solicitor's Report

The Township Solicitor had no report.

Secretary/Treasurer's Report

Township Manager Stanick reported the following items have been received or issued between March 24 and April 6, 2018:

Reports and Other Documents:

- a) Fire Department Report - March 2018;
- b) Public Safety Report – March 2018;
- c) Tax Collector's Report – March 2018;
- d) Tax Collector's Report Interim Collection Only – March 2018;
- e) Animal Control Report – February and March 2018;
- f) Zoning Hearing Board Agenda – April 16, 2018;
- g) Planning Commission Meeting Minutes – March 1, 2018;
- h) Public Notice for Regular Gasoline and Diesel Fuel to be opened on April 11, 2018;
- i) Legal Notice for the Zoning Hearing Board Public Hearings on April 16, 2018;
- j) PSATS News Bulletin – March 2018; and
- k) Advertisement for a Washington County Household Chemical Collection Event scheduled for Saturday, July 21, 2018.

Correspondence:

- a) Letter date March 22, 2018 from PSATS regarding 2018 Proposed Resolutions an Nominations Report for consideration at the upcoming State Conference;
- b) Letter of Commendation dated March 26, 2018 from Chief Hilk regarding Officer Kelley's quick and professional response to an overdose incident;
- c) *Letter (w/attachments) dated March 28, 2018 from EQT regarding its intent to apply for a permit to drill the Cogar Well in Amwell Township;*
- d) Letter dated April 2, 2018 from Mr. and Mrs. Bedillion regarding park and recreation;

- e) *Letter (w/attachment) dated April 5, 2018 from Range Resources regarding the Buyton Patrick 10082 Well in North Strabane Township; and*
- f) Email dated April 5, 2018 from Laural Ziemba of Ranger Resources providing an update on gas well activity in South Strabane.

8. UNFINISHED BUSINESS

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

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

9. NEW BUSINESS

9A Holding Tank Agreement Between the Township and CNX, LLC for the Property at 37 Strabane Dr.

Mr. Aaron Smith, attorney with Peacock Keller, representing CNX, LLC, advised the property is owned by CNX, LLC and it is going to be auctioned off on April 25, 2018. The sewage system needs addressed before the property can transfer and it is recommended by the Washington Co. Sewage Council to install a holding tank as no other solution is available. The sale of this property is contingent on the execution of a holding tank agreement.

In response to a comment from Chair Weber, Mr. Smith confirmed there were approximately four holding tank agreements approved last year for properties in this neighborhood.

Mr. Burns stated that allowing a system to operate at a price of \$600/month to empty is not sustainable. He inquired if the owners of neighboring property could partner to provide one solution instead of each property having a separate holding tank. He stated he is not in favor of approving the agreement.

Mr. Moore expressed his concern that the Township has had a difficult time in reaching CNX on any issues. He noted there is acreage at Community Park that CNX was to deed to the Township some time ago.

Ms. Zipko asked about the difference between a holding tank and a septic system. Mr. Smith stated that a septic system is currently located on the property, but is unable to be tested, a requirement before the property transfers. He stated a holding tank has an alarm that activates indicating it needs emptied. He confirmed that the property did not pass the perc test required of septic tank systems.

Mr. Luketich noted that a holding tank is the only option for this property if the property cannot pass a perc test and there is no access to public sewer. In response to a question from Mr. Luketich, Mr. Smith stated that the other two properties have holding tank agreements in place. Mr. Luketich inquired why CNX hasn't improved the properties.

Mr. Smith reviewed several of the properties owned by CNX last year that were sold at auction.

Mr. Smith stated that some properties do not need a holding tank because there are other options available, such as sand mound systems.

Mr. Burns stated that approving the agreement does not provide a permanent solution and the problem should be addressed globally.

A discussion followed regarding various sewage systems.

Ms. McDaniel questioned if a perc test on this property was done correctly.

In response to a question from Mr. Burns, Township Engineer Sherrieb noted that the properties were initially served by a septic system.

Chief Reese noted that the septic systems have malfunctioned which is common in this area. Most are discovered at the time the property is assessed. A sewage officer is sent out to test the system, and most times the only option available is a holding tank in order to sell the property and make it livable.

In response to a comment from Ms. McDaniel, Township Manager stated that the holding tank must be maintained by any future owners; the agreement transfers to the new owner.

Mr. Luketich moved to approve the agreement with CNX, LLC to allow a holding tank at 37 Strabane Dr. Ms. Zipko seconded the motion. A discuss followed.

In response to a question from Chair Weber, Solicitor Furman stated that the WCSC determined a holding tank is the only option for this property and a sewage solution has to be in place before a property can transfer. Mr. Furman noted a claim could be brought against the Township if it did not approve the agreement.

The motion failed on a 3-2 vote with Mr. Luketich and Ms. Zipko voting yes.

9B Public Hearing to Consider a Resolution Approving the Transfer of Restaurant Liquor License No. R-14553 into South Strabane Township at 78 Landings Drive (Speedway, LLC)

Township Manager Stanick reported the Township is in receipt of a letter dated March 1, 2018 from Flaherty & O'Hara, legal representative for Speedway, LLC (Applicant), requesting the

Township approve an inter-municipal transfer of Liquor License No. R-14553 to the facility located at 78 Landings Dr. (Speedway Station) from Mr. Big's Grill & Tap Room (incorporated as Eat N Drink, Inc.) at 595 Racetrack Road, Chartiers Township. The Applicant is planning an interior remodel of its South Strabane location along Rt. 19, and in addition, would like to sell beer for limited on-site consumption and wine for off-site consumption only as part of its remodel. The alternations will include a seating area of 30 spaces. On-site beer consumption is limited to two drinks, and pursuant to Speedway's policy, beer can only be consumed on-site with a meal.

As required, the Township published a public hearing notice in the Observer Report for two successive weeks (March 13 and 20, 2018) at least seven days in advance of the hearing date (April 3, 2018).

Township Solicitor Furman announced the following will be entered into the record:

- Exhibit 1 - letter dated March 1, 2018 from Paul Namey of Flaherty & O'Hara; and
- Exhibit 2 - legal advertisement for the public hearing.

Ms. Szallar, of Flaherty & O'Hara and representative of Speedway, LLC, distributed the following to the Board, which were also made part of the record:

- Exhibit 3 - proposed floor plan for the store
- Exhibit 4 - powerpoint presentation outlining Speedway's plan to sell beer and wine.

Ms. Shelia Roznac, stenographer, administered the oath to those who wish to provide testimony.

Mr. Szallar stated Speedway, LLC is requesting the Township approve an inter-municipal transfer of Liquor License No. R-14553 to the facility located at 78 Landings Dr. from Mr. Big's Grill & Tap Room (incorporated as Eat N Drink, Inc.) at 595 Racetrack Road, Chartiers Township. He stated that the State Liquor Code was recently amended and allows a transfer as long as the receiving municipality approves a resolution.

Ms. Szallar continued and described Speedway's operations and its philanthropic activities. He stated the store will serve beer and wine only and allow on-site consumption of a maximum of 24 oz. of beer complimentary to a meal.

Chair Weber asked for him to review the floor plan. Mr. Szallar stated the area to the left is the unlicensed portion of the premises and the highlighted areas on the floor plan signify the licensed areas of the premises. The licensed areas include the cooler, areas with beer and wine for sale, and a seating area with a capacity of 30 seats; beer may only be consumed in the seating area.

Mr. Burns had no comments.

Mr. Moore inquired how Speedway will limit consumption to two beers. Mr. Szallar stated that employees will be monitoring alcohol sales. It is expected that Speedway will not have many people participating in onsite consumption.

In response to a question from Mr. Moore, Mr. Szallar stated there are no changes to the parking lot, no changes to the footprint of the building, and any requirements of the Zoning Code will be met.

Mr. Luketich asked how will employees monitor consumption and sales. Mr. Szallar stated that it is company policy that anyone who appears under 40 will be carded.

As there were no further questions from the Board, the floor was opened to allow comments from the public.

Mr. Angelo asked if people can leave with an open bottle. Mr. Szallar stated that if alcohol is consumed onsite it must be consumed in the seating area.

Mr. Burns moved to admit the following as exhibits:

- Exhibit 1 - letter dated March 1, 2018 from Paul Namey of Flaherty & O'Hara;
- Exhibit 2 - legal advertisement for the public hearing;
- Exhibit 3 - proposed floor plan for the store; and
- Exhibit 4 - powerpoint presentation outlining Speedway's plan to sell beer and wine.

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

As there were no further comments, Mr. Moore moved to close the public hearing. Ms. Zipko seconded the motion. The motion passed on a unanimous voice vote.

Mr. Burns moved to approve the resolution approving the transfer of Restaurant Liquor License No. R-14553 into South Strabane Township at 78 Landings Drive (Speedway, LLC). Mr. Moore seconded the motion. The motion passed on a unanimous voice vote.

9C Appointment of a Part-Time Pavilion Cleaner

Township Manager Stanick reported the 2018 Final Budget includes funds for a part-time Park Pavilion Cleaner. Chad Armstrong, having served in this capacity for several years in the past, has expressed interest in working for the Township once again. Because of his past experience, quality of work and positive comments from references, it is recommended Mr. Armstrong (pending a background check) be hired again as a part-time Park Pavilion Cleaner through the end of October at a rate of \$12.50/hour.

Mr. Burns moved to appoint Chad Armstrong as a part-time pavilion cleaner at a rate of \$12.50 per hour. Ms. Zipko seconded the motion. The motion passed on a unanimous voice vote.

9D Acceptance of a Letter or Resignation from the Elected Board of Auditors

Township Manager Stanick stated the Township is in receipt of a letter of resignation from Carolyn Wissenbach, Chairperson of the Elected Board of Auditors, for a term expiring December 31, 2021. Once accepted, the Township will advertise for letters of interest in filling the vacancy. Ms. Wissenbach is planning to located out of the Township.

Mr. Moore moved to accept the letter of resignation. Ms. Zipko seconded the motion. The motion passed on a unanimous voice vote.

9E Appointment of an Alternate Voting Member to the PSATS State Convention

Township Manager Stanick reported at its Organization Meeting on January 2, 2018, the Board appointed Chair Weber as its Voting Delegate for the PSATS Convention, as well as Mr. Moore as an Alternate Voting Delegate. As Mr. Burns will be the only Supervisor in attendance this year, it is recommended the Board appoint him as Alternate Voting Delegate.

Mr. Moore moved to appoint Mr. Burns an Alternate Voting Delegate to the PSATS State Convention. Ms. Zipko seconded the motion. The motion passed on a unanimous voice vote.

9F License Agreement Between the Township and CNX Land, LLC Allowing Access to Private Property Along Garber Road

Township Manager Stanick reported at its meeting on March 6, 2018, the Board authorized the Township Engineer to obtain price quotes for a soils analysis at the site of the slip on Garber Road. Attached for the Board's consideration is a license agreement, provided by CNX Land, LLC, to allow the Township access to private property along Garber Rd. to facilitate the soils analysis.

Mr. Burns moved to approve the license agreement with CNX Land, LLC. Ms. Zipko seconded the motion. The motion passed on a unanimous voice vote.

9G Acceptance of a proposal from Jeffrey Associates for the Construction of a Park Pavilion at Community Park

Township Manager Stanick reported at its meeting on December 28, 2017, the Board accepted a donation from the Keisling Family to construct a pavilion at Community Park. Attached for the Board's consideration is a proposal from Jeffrey Associates for the construction of a covered pavilion, 18' x 20' in size, for Community Park. Jeffrey and Associates is the approved vendor under the State's bid program, COSTARS, for the Rigidply Rafters Wood Pavilions through February 7, 2019.

He recommended the Board consider a motion to award the proposal from Jeffrey Associates to construct the pavilion at Community Park for \$12,449.00 (the amount donated by the Keisling Family) subject to the requirement of a performance bond in the amount of 100% of the project.

Mr. Moore moved to award the proposal from Jeffrey Associates to construct the pavilion at Community Park for \$12,449.00 subject to the requirement of a performance bond in the amount of 100% of the project. Mr. Burns seconded the motion. The motion passed on a unanimous voice vote.

10. ADJOURNMENT

Ms. Zipko moved to adjourn the meeting. Mr. Luketich seconded the motion. The motion passed on a unanimous voice vote and the meeting adjourned at 8:43 p.m.

Respectfully submitted,

Brandon J. Stanick
Township Manager