

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

May 26, 2020

APPROVED MEETING MINUTES

1. CALL TO ORDER

The May 26, 2020 Special Meeting of the South Strabane Township Board of Supervisors (Board) came to order at 2:00 p.m. via a designated teleconference phone line.

The following were present:

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

Also Present Township Manager Brandon Stanick; Assistant to the Township Manager Patrick Conners; Township Fire Chief Scott Reese; Township Police Chief Drew Hilk; Public Safety Director Jim Barnes; Township Engineer Kevin Creagh; Public Works Director Grego; and Township Solicitor Dennis Makel.

2. PLEDGE OF ALLEGIANCE

Chair Moore led the Pledge of Allegiance.

3. PUBLIC COMMENT

Due to the extraordinary circumstances caused by the response to COVID-19 pandemic, the Township's meeting will be conducted telephonically. A legal notice was published in the Observer-Reporter on Friday, May 22, 2020 advising of the special meeting. Also, the Agenda for the Special Meeting was posted on the Township's website (southstrabane.com).

Township Manager Stanick reported that no Public Comments were received via email or telephone communication prior to the start of the Special Meeting.

4. CONSIDERATION OF SPECIAL MEETING MINUTES – APRIL 30, 2020

Mr. Luketich moved to approve the April 30, 2020 Board of Supervisors Special Meeting Minutes as presented. Mr. Murphy seconded the motion. The Motion passed on the following roll call vote:

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

Nays: (0)

5. FINANCIAL BUSINESS

The Board considered the following financial business:

- Payroll: \$ 132,566.26 (pay date of May 8, 2020)
- Payroll: \$ 104,038.85 (pay date of May 22, 2020)
- General Fund: \$ 175,832.60
- Liquid Fuels Fund: \$ 2,157.71
- Total Expenditure: \$ 414,595.42**

Overtime costs for the period include:

- ⊖ Police: \$ 361.20
- ⊖ Fire: \$ 547.74
- ⊖ Public Works \$ 620.56
- ⊖ **Total OT:** \$ **2,722.99** (pay date of May 8, 2020)

- ⊖ Police: \$ 109.11
- ⊖ Fire: \$ 915.05
- ⊖ Public Works \$ 00.00
- ⊖ **Total OT:** \$ **1,024.16** (pay date of May 22, 2020)

Please know the following expenses are included for this period:

- F.N.B. Equipment Finance (1st Lease Installment for 2 Police Interceptors) \$ 28,558.79
- Municipal Employees Insurance Trust (May Coverage) \$ 58,445.12

Mr. Luketich moved to approve the payroll for the periods April 19 through May 2 and May 3 through May 16 and the Bills for the period April 25, 2020 through May 20, 2020. Mr. Murphy seconded the motion.

Mr. Luketich inquired regarding a charge for firefighting gear. Fire Chief Reese stated that a member of the department had damaged safety gear which needed repaired. He also highlighted the equipment's beltloops were resized. Mr. Luketich inquired regarding a payment to Selway Termite Co. Inc. highlighting that a member of the Public Works Department had received certifications to spray pesticides on public property. Mr. Murphy reported that various applications/pesticides require specific licenses. Township Manager Stanick stated that he would look further into the matter.

After further discussion the motion passed on the following roll call vote:

Ayes: (5) Burns, Luketich, Murphy, Weber, and Chair Moore
Nays: (0)

6. ANNOUNCEMENTS

Township Manager Stanick reported that the Planning Commission would be conducting their first in-person meetings beginning on June 3rd and 4th and the Zoning Hearing Board will conduct a Public Hearing on June 9th. He highlighted that all best practices established by the Township's Public Meeting Policy and Protocol would be adhered to.

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

Township Solicitor Makel had nothing to report.

Township Manager's Report

Comcast Franchise Agreement

Township Manager Stanick reported the Township is in receipt of a request from Comcast to commence the renewal process for the existing Franchise Agreement with the Township. He highlighted that by using Section 626 of the Cable Communications Policy Act of 1984, by sending the attached letter, Comcast is providing official notice invoking that provision that it fully reserves its renewal extension rights under the Franchise. He stated the Township Solicitor and Township Manager will review further and outline a plan and process to negotiate with Comcast in the coming months.

ACRE Complaint

Township Manager Stanick reported that earlier this year, the Township received a building permit application from property owners on Meyers Rd. for the construction of a horse stable. He stated that following a review of the application and plans, Staff advised that the plan submitted must be to scale and that the setbacks indicated (in an Agricultural District) did not comply with the Zoning Code, as well as that of a setback variance received in 2011 from the Zoning Hearing Board. He highlighted that as this was the case, after some time the Township received an "ACRE Complaint" from the Office of the Attorney General advising the Township of Act 38 of 2005, the Agricultural Communities and Rural Environment ("ACRE") law that requires the Office of the Attorney General, upon request of a farm owner or operator, review a local government ordinance for compliance with Act 38. He stated that following a conversation between the Township Manager and Robert Willig, Senior Deputy Attorney General, it was relayed that the Township's setback requirements cannot be applied under this Act. It was also relayed that the Township

should consider updating its Zoning Code to reflect Act 38. He concluded by reporting the Township is awaiting a response from Mr. Willig to several concerns that Act 38 presents.

LGA Internship

Township Manager Stanick reported that Staff will be working with our selected intern, Ms. Renna Wrubleski of Allegheny College to establish a start date as well as appropriate health and safety protocols. Per the Local Government Academy's Municipal Intern Program guidelines, interns must begin by June 10, 2020. He stated that Staff will keep the Board informed regarding the selected start date.

COVID-19 Response Update

Township Manager Stanick reported that under the guidance of Phase Yellow protocols, the Municipal Building has remained closed to the general public. He highlighted that in order to facilitate general operations the vestibule has remained unlocked during normal business hours to allow for the pickup/drop off of applications, permits, etc. and is working well.

Fire Chief Reese reported that the Fire Department's call volume has remained down during the pandemic. He then discussed the Township's strategy to safely conduct necessary Public Meetings (Planning Commission, Zoning Hearing Board, etc.) highlighting the establishment of a policy which will be implemented prior to allowing entry into the Meeting Room.

Police Chief Hilk reported that the Police Department's operations are running smoothly, highlighting that all members of his Department are healthy and well.

Public Works Director Grego reported that his Department's full workforce has reported back following furlough and discussed immediate projects including catch basin and stormwater pipe repairs. He highlighted that safety protocols including 1 worker to a vehicle and daily sanitation of equipment have been implemented.

Public Safety Director/Building Code Official Barnes reported that 21 building permits have been issued for the month of May. He cited that phone calls and applications have been steady in recent weeks.

Township Engineer's Report

Township Engineer Creagh reported that the Community Park Kitchen and Restroom Project bids were received and read aloud during a public broadcast on May 18th with Hogen's Heroes submitting the lowest bid in the amount of \$220,000. He highlighted that the previous lowest bidder, TBI Contracting Inc., did not submit a bid for the most recent process.

Secretary/Treasurer's Report

The following items have been received or issued between April 25, 2020 and May 21, 2020:

Minutes and Agendas:

a) Green Team Meeting Agenda – May 21, 2020;

- b) Planning Commission Regular Meeting Agenda – June 3, 2020;
- c) Planning Commission Regular Meeting Agenda – June 4, 2020; and
- d) Zoning Hearing Board Reorg. & Regular Meeting Agenda – June 9, 2020.

Reports and Publications:

- a) Finance Report – May 2020;
- b) Fire Department Report – April 2020;
- c) Public Safety Department Report – April 2020;
- d) Police Department Report – April 2020;
- e) Tax Collector's Report & Interim Collection Only – March 2020;
- f) Animal Control Officer's Report – April 2020;
- g) MS4 Report – May 2020
- h) Township Engineers Report – May 26, 2020;
- i) Glass Recycling Report – May 6, 2020;
- j) O-R, Legal Notice for Conditional Use Applications - June 3 & 4, 2020;
- k) O-R, Legal Notice for Zoning Hearing Board Public Hearings – June 9, 2020.

Correspondence:

- a) Letter dated May 1, 2020 to Ms. Keisling regarding the Board of Supervisor's authorization for the Township Manager to review mercantile tax collection data;
- b) Letter dated May 7, 2020 from Township Manager Stanick to Ms. King of Huntington Bank regarding a storm sewer;
- c) Email dated May 18, 2020 from Township Solicitor Makel to the Weise's regarding the opening of facilities in the Villas on the Green;
- d) Letter (w/attachments) dated May 18, 2020 from Township Manager Stanick to Helen Podish regarding Podish Farm culvert pipe replacement; and
- e) Email chain dated May 21, 2020 regarding DEP Complaint #349647 at 2005 Moccasin Drive.

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

8. UNFINISHED BUSINESS

8A: Motion Awarding the Bid for the Community Park Kitchen/Bathroom Project to Hogen's Heroes, Inc. d/b/a/ J5 Construction of Eighty Four, PA

Township Manager Stanick reported that at the April 2, 2020 Special Meeting of the Board of Supervisors, the Board tabled its consideration of the bid received for the Community Park Restroom/Kitchen and Walking Trail Project due to an inconsistency in the bidding process. He stated the bid received at that time from TBI Contracting, Inc. was in the amount of \$188,00. He highlighted that Bid Alternate #1, for the instantaneous hot water heater was in the amount of \$3,900 additional for a total cost of \$13,900 (\$10,000 is currently allocated in the Project cost estimate) and Bid Alternate #2, for the installation of an exhaust vent and a fire suppression system in the amount of \$17,000.

He reported that a second bid advertisement for the Project was advertised in the April 16 and 20, 2020 editions of the Observer-Reporter. He reported that a total of six bids were received and

opened on May 18th at 2:00 p.m. in the Municipal Building Meeting Room and broadcast live on the Township's website as the building is closed to the public in response to the COVID-19 pandemic. He cited the winning bid is in the amount of \$220,000 with Alternate #1 in the amount of \$10,000 and Alternate #2 in the amount of \$10,000. The 2020 Annual Budget has programmed from the Act 13 Fund a total of \$163,000 for this project.

He cited that due to the anticipated financial impact emanating from the COVID-19 pandemic and the cost of the project compared to the budgeted amount, as well as an anticipated date of completion sometime in September (8 to 10 week timeframe), it is recommended the Board reject the bids and rebid the project in the fall. He highlighted this will allow for the Township to budget according to an actual cost number, start construction in January for a completion before April of 2021 in time for the rental season that begins in May.

Mr. Weber expressed his concern with the progress made on this project. In response to a question from Mr. Weber, Township Engineer Creagh advised staff could revisit the specifications to seek cost savings. A discussion ensued. It was noted the Township would have to make a formal decision within 60 days of the bid opening (May 18, 2020).

After some discussion, Mr. Luketich moved to table the consideration of awarding the bid until further information could be collected by Staff. Mr. Weber seconded the motion. The motion passed on the following roll call vote:

Ayes: (3) Luketich, Weber, Chair Moore
Nays: (1) Murphy
Abstention: (1) Burns

8B: Report Concerning Amendments to the Zoning Code Relating to: 1.) Water Impoundment Facilities; and 2.) Establishing Deep Well Oil and Gas Drilling as a Conditional Use in the Agricultural Zoning District, as well as a Motion Authorizing Staff to Advertise for a Public Hearing

Township Manager Stanick reported that on April 30, 2020 Supervisor Weber requested Staff prepare an update for the Board concerning the Planning Commission's consideration of revisions to the Township's Oil and Gas Ordinance and associated Freshwater Impoundment definition. He highlighted 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 related to allowing oil and gas drilling within the A-1 Zoning District. Additionally, he stated that at the request of the Planning Commission the Board directed the Commission to revisit the definition and associated uses involved with Freshwater Impoundments.

He outlined the following subsequent recommendations that were developed over the course of multiple meetings:

- On March 5, 2020 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.

- On March 5, 2020 by a unanimous vote in the affirmative, the Planning Commission recommended the following concerning Freshwater Impoundments: The following terms are proposed for deletion from Section 245-9 of the Township's Zoning Code; **Impoundment, Freshwater** and **Impoundment, Wastewater**. It is proposed the aforementioned terms be replaced with the following:
 - Certified Water Storage Tank
 - Retention Facility, Freshwater
 - Retention Facility, Wastewater

Township Manager Stanick reported that new definitions were developed 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 highlighted the term impoundment, both freshwater and wastewater, are separated 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. As defined within the proposed Ordinance, Retention Facilities would be categorized as accessory use and would only be permitted to supply water (fresh and waste) to an operation located on the same lot.

Following a brief discussion of the matter, Mr. Luketich moved to authorize Staff to advertise for a Public Hearing for the consideration of amending the Township's Zoning Code regarding Water Impoundment Facilities and Deep Well Oil and Gas Drilling in the A-1 Zoning District. Mr. Murphy seconded the motion. The motion passed on the following roll call vote.

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

Nays: (0)

9. NEW BUSINESS

9A: Motion Approving an Agreement with Timothy and Lisa Bouman of Aspen Drive Permitting the Erection of a Temporary Basketball Hoop

On May 5th, Staff fielded a request from Mr. Timothy and Mrs. Lisa Bouman of 7 Aspen Drive (Windsor Highlands Neighborhood) to construct a temporary basketball hoop structure within the Township's right of way. The property owners reside within a caul-de-sac. The Bouman's are proposing to construct a concrete base which would allow for a removable pole and hoop to be installed and removed as needed. With the assistance of the Township Solicitor Makel Staff generated the attached Agreement which proposes the following conditions:

- The Township shall permit the Bouman's to install the concrete base for the removable basketball hoop;
- The Township shall not be a responsible party for any damage incurred or caused by Township equipment to the structure(s);

- The Bouman's shall assume the responsibility to determine the location of any and all Public Utilities on the property located at 7 Aspen Drive, Washington, PA 15301, and shall not install the proposed structure on or above a Public Utility;
- The Bouman's agree to remove the structure(s) upon written request of the Township within 15 (fifteen) calendar days upon reasonable basis; and
- The Bouman's shall indemnify and hold harmless the Township, Township Board of Supervisors, Township Employees, etc. from any and all claims and liabilities caused by the installation of the structure(s) at 7 Aspen Drive, Washington, PA 15301

Township Manager Stanick reported that the Bouman's have reviewed the Agreement and have signed off on all conditions. He highlighted that he would recommend approval with the condition that the Bouman's submit a formal site plan indicating where the hoop structure will be located. Mr. Luketich inquired why the Bouman's have requested a semi-permanent hoop. Assistant to the Township Manager Conners reported that the Bouman's currently have a removable hoop but are seeking a more reliable and sturdy structure for their child's athletic development.

After some discussion, Mr. Burns moved to approve an Agreement with Timothy and Lisa Bouman of Aspen Drive permitting the erection of a temporary basketball hoop within the Township Right-of-Way conditional upon the submission of a formal site plan delineating the location of the structure. Mr. Murphy seconded the motion. The motion passed on the following roll call vote.

Ayes: (5) Burns, Luketich, Murphy, Weber, and Chair Moore
Nays: (0)

9B: Resolution Amending the South Strabane Township 457 Deferred Compensation Pension Plan to Authorize Participation by Firefighters

Township Manager Stanick presented for the Board's consideration a resolution amending the newly established South Strabane Township 457 deferred compensation pension plan ("Plan"). He stated that pursuant to Article #31 of the Tentative Agreement that was approved between the Township and the International Association of Firefighters, Local 5006, firefighters shall be eligible to voluntarily participate in the Township's 457 Plan.

Mr. Weber inquired if there would be any additional cost to the Township. Township Manager Stanick stated there would not be for the Firefighters, clarifying that the Public Works Department had negotiated a \$100 contribution per employee within their most recent Collective Bargaining Agreement.

Mr. Burns moved to Amend the South Strabane Township 457 Deferred Compensation Pension Plan to authorize participation by Firefighters. Mr. Luketich seconded the motion. The motion passed on the following roll call vote.

Ayes: (5) Burns, Luketich, Murphy, Weber, and Chair Moore
Nays: (0)

9C: Motion Cancelling Park Pavilion Rentals for the Month of June

Township Manager Stanick reported that Staff is requesting the Board formally cancel pavilion rentals for the month of June in response to Phase Yellow guidelines established by the Commonwealth to combat the COVID-19 Pandemic. He highlighted that all renters that had June reservations were notified of the likelihood of cancellations. He stated June renters were offered a full refund or alternative dates later in the summer.

A discussion regarding additional closures followed.

Mr. Murphy moved to cancel park pavilion rentals for the month of June. Mr. Luketich seconded the motion. The motion passed on the following roll call vote:

Ayes: (5) Burns, Luketich, Murphy, Weber, and Chair Moore
Nays: (0)

9D: Motion Approving a Public Meeting Policy and Protocol during the COVID-19 Pandemic

Township Manager Stanick presented for the Board's formal consideration the following public meeting policy and protocol to be employed during the COVID-19 pandemic to best facilitate public meetings and the continuance of the public's business while ensuring the health, welfare and safety of all involved:

Purpose

To conduct public business to ensure the proper continuance of Township operations and governance while using measures and protocols that seek to protect and ensure the health, welfare and safety of the Public. An Attendee shall mean any individual person that is attending a public meeting, including, but not limited to: members of the public, elected and appointed officials, applicants and their applicants, as well as Township Staff.

Maximum Attendance

The maximum attendance at any public meeting will be limited to the maximum number of people pursuant to the State's phased reopening plan.

- Red Phase: prohibits large gatherings.
- Yellow Phase: restricts gatherings of more than 25 people.
- Green Phase: requires all individuals to follow CDC and the PA Department of Health Guidelines.

Requirements of Attendees to Access Public Meetings

All Attendees of a public meeting are to comply with the following prior to entering the Municipal Building:

- a) **Accessibility:** Access to the Meeting Room will be through the rear door and rear door only. Exceptions can be made on a case by case basis.
- b) **Masks:** A mask must be worn at all times. If an Attendee does not have a mask, a good faith effort will be made to provide a mask to the Attendee.
- c) **Social Distancing:** The Municipal Building Meeting Room, and any room that is used to conduct a public meeting by the Township, will be arranged to ensure that all attendees are able to practice social distancing with a space of at least six feet apart. The chairs arranged in the room are not to be moved.
- d) **Questionnaire:** Attendees will be asked to answer with a “Yes” or “No” to the following questions:
 - Are you experiencing, or experienced any of the following symptoms in the last 14 days?
 - i. FEVER
 - ii. SHORTNESS OF BREATH
 - iii. COUGH
 - iv. CHILLS
 - v. BODY ACHES
 - vi. SORE THROAT
 - vii. ABDOMINAL PAIN
 - viii. DIARRHEA
 - Have you traveled outside of the U.S. in the last 14 days?
 - Have you been around anyone who has traveled outside of the country, or who has been ill?

Should an Attendee choose to not answer all three questions, the Attendee will not be permitted to attend the meeting. In the event an Attendee answers “Yes” to any one question, the Attendee will not be permitted to attend the public meeting.

- e) **Temperature:** Prior to the meeting, Attendees will have their temperature taken with a contactless thermometer administered by a Township Firefighter. An Attendee with a temperature greater than 100.4 will not be permitted to attend the public meeting. Should the temperature of an Attendee exceed 100.4 on the first reading, the Attendee may elect to have the temperature taken a second time after waiting a period of five minutes. Should the second reading exceed 100.4, the Attendee will not be permitted to attend the public meeting.

Mr. Burns moved to approve the Public Meeting Policy and Protocol during the COVID-19 Pandemic. Mr. Luketich seconded the motion. The motion passed on the following roll call vote:

Ayes: (5) Burns, Luketich, Murphy, Weber, and Chair Moore
Nays: (0)

9E: Motion Approving the Construction of a Dog Park at Community Park

Summary of Background and Reason for Request:

Township Manager Stanick reported that in recent months after some public interest, the Board of Supervisors requested Staff to investigate strategies for the development of a dog park within Community Park. He stated that Staff has conducted research which included an in person visit to the Mingo Creek Dog Park, online evaluation of best practices, and personal experiences in using regional dog parks. He also cited that Staff has identified a 1-acre tract of land within Community Park which is centrally located to the adjoining overflow parking area and easily accessible to a present walkway. He discussed the following summary of points to consider:

- **Complete chain-link fencing.** The entire off-leash area for both small and large dogs will include chain-link fencing around the perimeter.
- **A double entry gate system.** In order to allow for safe ingress and egress for both small and large dogs, a double gated waiting area will be established. This will allow the dog and its owner to enter, remove the dog's leash and then open the gate to the main off-leash area. This also allows for the same procedure in reverse when exiting. This system will help prevent "unplanned escapes" and also allows for leashing and unleashing in a separate area that assists dog owners in managing the transition into and out of the dog park.
- **Separate small and large dog areas.** This allows small dogs as well as their owners to avoid interacting with larger and sometimes more exuberant/playful dogs. The separate area also can help small breeds, puppies, and shy dogs have an opportunity to interact and get use to the high level of activity that can occur in a dog park.
- **Easy dog waste disposal.** Users will be provided with one dog waste bin per play area. This will allow for continual segregation between the large and small dog areas and shall provide easy access for disposal. The emptying of the waste bins will be integrated into the Public Works Department's Park Maintenance strategy.
- **Sloped terrain and drainage.** Placing the dog park area on a gradual incline absent of gulleys/ditches will allow for a more manageable terrain (i.e. quick draining and drying which will allow for easier maintenance for the PW Dept.).
- **Secluded.** The designated area is relatively close to the parking area/trail system, but is far enough away to ensure a separation of the dogs from other patrons of the park. Sightlines on the property obscure many highly used areas (i.e. multi-purpose field, walking trail, etc.). Most importantly, the proposed dog park does not interfere with current infrastructure, & due to its location & grade, there is a low likelihood that it would interfere with future park projects.
- **Amenities.** Immediate amenities for the dog park area will include a bench for each separated area. Future amenities including shade trees and water access may be added to the dog park area in the near future.
- **Signage.** Using the example of Mingo Creek Dog Park, the Township would implement signage outlining the various rules of the SST Dog Park. An attachment outlining the presented rules are included with this memo.

Township Manager Stanick reported the estimated cost of the proposed dog park is approximately \$18,740 with labor performed by the Public Works Department. He cited that due to the ongoing COVID-19 pandemic and the financial challenges that may result, as well as the consideration of an updated Community Park Master Plan, it is recommended the Board table this matter until a budget amendment is proposed/approved.

Mr. Luketich inquired regarding the entry protocols in place for neighboring dog parks. Assistant to the Township Manager Connors reported after researching 7 separate dogs parks managed by counties and municipalities, no formal key or fee systems are in place and noted all were open to the Public. Members of the Board highlighted the need for a formal Master Plan prior to further development of Community Park.

Mr. Murphy moved to table the consideration of constructing a dog park within Community Park until a formal Master Plan is developed. Mr. Luketich seconded the motion. The motion passed on the following roll call vote:

Ayes: (5) Burns, Luketich, Murphy, Weber, and Chair Moore
Nays: (0)

10. **ADJOURNMENT**

Mr. Weber moved to adjourn the meeting. Mr. Luketich seconded the motion. The motion passed on a unanimous voice vote and the meeting adjourned at 3:17 p.m.

The Board then entered Executive Session to discuss Personnel Matters and potential litigation.

Respectfully submitted,

Brandon J. Stanick
Township Manager