

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

February 8, 2022

APPROVED MEETING MINUTES

1. CALL TO ORDER

The February 8, 2022 Special Meeting of the South Strabane Township Board of Supervisors (“Board”) came to order at 10:00 a.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	Bob Weber, Chair; Mark Murphy, Vice Chair; Bracken Burns; Russell Grego; and Richard Luketich.
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Absent	None
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Also Present	Township Manager Brandon Stanick; Assistant to the Township Manager Jim Sutter; Police Chief Drew Hilk; Fire Chief Scott Reese; Township Solicitor Dennis Makel; and Township Engineer Kevin Creagh.
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Chair Weber reported the Board met in executive session prior to this meeting to discuss personnel and potential litigation.

2. PLEDGE OF ALLEGIANCE

Chair Weber lead the Pledge of Allegiance.

3. PUBLIC COMMENT

The Township Board of Supervisors allocates a period of time during this item for those individuals who would like the opportunity to address the Board of Supervisors on any matter. Each person addressing the Board of Supervisors is asked to limit their comments to a maximum of three (3) minutes.

There were no comments from the Public.

4. ANNOUNCEMENTS

There were no announcements.

5. UNFINISHED BUSINESS

5A: Public Hearing for the Consideration of an Ordinance Providing for the Creation of a Fire Hydrant District and Fixing of the Millage for the Fire Hydrant Assessment by the Board of Supervisors of South Strabane Township Upon the Owners of Real Property Situated Within Seven Hundred Eighty Feet (780') of any Fire Hydrant Located in Said Township and Benefitted Thereby; Said Assessment to be Based Upon the Tax Assessment of Property for County Purposes

Mr. Stanick reported, in February 2021 during a Non-Legislative Meeting, the Board received a presentation regarding the establishment of a Fire Hydrant District for assessing a fee to cover the annual maintenance cost of fire hydrants (approximately \$60,000). Pursuant to the Second Class Township Code, a fee may be assessed on any property within 780 feet of a fire hydrant. Typically, a user fee strategy seeks to cover the costs of services (fire hydrant maintenance to fight fires) that are used by specific groups (residents and non-residents). An example of a user fee at-work are the fees paid by those using park pavilions or reserving field facilities in the spring and summer.

By using the Township's GIS platform, data from PA American Water Company was obtained and uploaded to the system showing the location of fire hydrants in the Township. Determining those properties within 780 feet of a hydrant was then performed to determine the "District". The fee is based on the total assessed valuation of property within the District to ensure an equitable administration of the fee; the more valuable a resident's property is, the more there is to protect (compare vacant land to property containing a three-bedroom house). The minimum millage of those within the district would be ~0.0597 mills. A sample calculation for property assessed at \$200,000 would be: $0.0000597 \text{ mill} \times \$200,000 = \$11.94/\text{year}$. The total assessed valuation of property that is not within the District is \$189,121,350; recall the 2022 total assessed valuation for all property within the Township is \$1,244,514,375. This figure represents approximately 15.20% of the total valuation not being in the District.

Following an evaluation of the assessment fee structure for establishing the Fire Hydrant District, it has become more apparent that:

- Residents will be assessed a fee and the hydrant could quite possibly be used on property that is not assessed the fee (located outside of the Township's jurisdiction);
- According to Fire Chief Reese, the Fire Department will use fire hydrants up to 1,000 feet away from a property (much greater than the 780 feet prescribed by the Commonwealth);
- Some properties within a Planned Residential Development (i.e., Villas on the Green), 16 residents would not be charged a fee because they are more than 780 feet from a hydrant although nearby hydrants would be used to serve their residence;
- Residents may also be assessed a fee for being within the district, but the fire hydrant that triggers their participation may not be used given difficulty elevation and/or forested areas; and
- Those residents not within the 780 feet distance of a fire hydrant may be served indirectly by nearby hydrants to fill Tanker Trucks which are used to bring a water source to an "unserved" area.

The 2022 Budget includes \$60,000 in anticipation of collecting the fee; however, should the Board consider not implementing this fee, it is strongly anticipated Impact Fee revenues from natural gas wells will be close to a record year given natural gas prices in 2021 (Township highest year was 2019 with approximately \$384,000), which would offset the fee not being established.

Members of the Public in attendance were invited to provide comments regarding the matter at this time.

Mr. Thomas Lonich, resident on Davis School Road, noted he had several questions and comments for the Board. He asked why this matter is the subject of a special meeting and noted the advertisement, cancelling and readvertising of the meeting had cost Township taxpayers hundreds of dollars. He stated there does not seem to be a need to consider this item at a special meeting as this is not an emergency and there is no deadline or requirement associated with the matter. Additionally, the Board has been aware of this assessment for months as it was contemplated during the formation of the 2022 Budget. Mr. Lonich expressed his concern why this is not being considered at a regular meeting.

Mr. Lonich stated he is aware of the provisions of Article 18 of the Second Class Township Code, however he noted the fee is inequitable. Mr. Lonich stated there are properties served by Fire Hydrants outside of the 780 feet prescribed by the proposed Ordinance, but they will not be assessed a fee. He noted the proposed Ordinance was released with a blank space where the millage was to be given and the exact figure was not provided until very recently. He stated the proposed Ordinance also referenced an attached map showing the proposed Fire Hydrant District, however one was not provided. He asked where this map was and who determined what the District encompasses. Mr. Lonich stated the Township's Tax Collector would likely charge for the service of collecting this additional tax. He asked if this had been explored and if so, what the additional fee would be if the Ordinance moves forward. Mr. Lonich asked why the Board did not consider simply enacting a Fire Tax if these funds are needed as it can be assessed equally. He also recommended approaching the Casino about providing an annual contribution to fund this maintenance.

Ms. Nita Houston, resident on Davis School Road, inquired on why this meeting was being held at 10 a.m. She expressed concern for the decision to hold it at this time and assessing a fee such as this is inequitable. She stated everyone benefits from fire hydrants and residents have no say in where they are located. She stated in talking to the water company, Chief Reese has never mentioned maintenance to them only asking how many and where the hydrants are located. Ms. Houston discussed ownership of the hydrants and noted a discussion online regarding a fee on the water bills. She clarified the fee on the bill goes towards infrastructure not maintenance of the hydrants. Ms. Houston suggested a flat fee per month on all homes in the Township, noting this would generate far more than what the proposed assessment would cover.

Mr. Dave Orndoff, resident on Woodside Drive, stated everyone is aware taxes are essential for providing basic services, but trouble arises with an arbitrary and/or unfair tax. He stated the 780-

foot delineation is problematic. Though this distance was decided by the State, it is arbitrary. He expressed concern the proposed assessment is a slippery slope as it could lead to assessments based on proximity to the police department or schools. Mr. Orndoff concluded by urging the Board to not move forward with the proposed Ordinance.

Ms. Angela Tietz, resident on Quarry Road, stated she did not have much to add to what has already been said and asked if her property is within 780 feet of three hydrants, does this mean she would be taxed three times. Ms. Tietz stated she does not have streetlights or sidewalks proximate to her property, yet she pays a tax to pay for these improvements. She stated the assessed valuations are not appropriate to collect this tax using. She stated everyone should be taxed equally and recommends moving forward with a fair tax.

Ms. Dorothy Walsko, resident on Warrick Drive, stated her biggest concern with the proposed ordinance was there being no millage given and the reference to possible imprisonment for failing to pay when the proposed ordinance was released. She stated those concerns have since been addressed. She inquired who would collect this tax and how much it would cost. She asked if Ms. Kiesling would be the one to collect the tax.

Mr. Bern Wendler, resident on Stonehenge Drive, inquired of the Board who owns the fire hydrants. He stated the water company owns the hydrants. He questioned how the Board can impose a tax on a utility and ask residents to pay for it. Mr. Wendler stated this would be taxation without representation.

Mr. David Hart, resident on Stonehenge Drive, stated he required the services provided by a fire hydrant before and appreciated it when it was needed. He stated the method of establishing the rate is not equitable because fire does not care about the worth or location of a home. He stated he is in favor of a fair and equitable tax.

Mr. Duane Hall, resident on Meyers Road, stated he is an employee of Pennsylvania American Water Company and noted hydrant maintenance entails much of his work. He stated property owners already pay a fee for use and questioned the rationale of the proposed assessment. Mr. Hall stated he is in favor of a fair fee or no fee at all.

Mr. Bill Karnes, resident on Arrowhead Drive, noted all salient points have already been mentioned. Mr. Karnes stated he just wanted to highlight to the Board the number of people in attendance and they should rethink the proposed ordinance.

Mr. Zack Morgan, resident on Vance Station Road, stated the comments today will not change the minds of the Board. He expressed his opinion the proposed assessment is simply a revenue generator to offset the cost the Township expended to purchase a fire truck the previous summer. He questioned how many members of the Board will be affected by the proposed ordinance. He stated he has never seen the Fire Department inspect hydrants and questioned who will be doing inspections. He expressed his displeasure with the time the meeting was scheduled.

Mr. Jeff Bull, an individual with property interest in the Township, read a prepared statement regarding his concerns with Township operations. He asked why every Board meeting begins with an Executive Session for personnel and litigation. Mr. Bull read off a comparison of the Township's cost for legal services compared with those of other nearby municipalities. Mr. Bull expressed his opinion the Township failed to follow state law regarding the recent dissolution of the South Strabane Township Sanitary Authority. Mr. Bull claimed the Township has a history of ignoring procedure regarding developer agreements. He questioned why recordings of recent Board meetings were not posted in a timely manner.

Mr. Brian Dunst, resident on Transit Street, stated according to Act 69 of 1933 the Board may pay for fire protection services out of the General Fund. However, they must abolish any special district related to fire protection. As South Strabane Township pays for fire protection services out of its General Fund, they cannot also establish this assessment. Mr. Dunst further stated the new tax creates an uneven assessment and in effect causes individuals within 780 feet to be double taxed. He stated the Board should not pass an ordinance which imbalances taxation, the burden should be shared by all property owners.

Ms. Judy Panasik, resident on Green Crescent Drive, stated she has been a Township resident for 40 years and coming to meetings for 17 years. Ms. Panasik noted \$60,000 would not create a substantial burden to spread evenly among the Township. She claimed a former Board member had told her there used to be much more money available to the Township and questioned what happened to these funds. She expressed concern that, while the millage is currently low, it could be raised substantially in the future. Ms. Panasik questioned why this meeting is occurring at 10 a.m. and stated the Board should be more transparent.

Ms. Tara Weber, resident on Arrowhead Drive, thanked everyone who had spoken before her. She thanked the Board for their service to the Township. She stated it is clear no one likes taxes based on the emotion of those present. She expressed concern for the 10 a.m. meeting time.

Ms. Charlene Scuvotti, resident on Pine Valley Road, speaking over Zoom, stated she agreed with the statements made by everyone. She expressed her opinion the Board was underhanded in scheduling the meeting for 10 a.m.

Chair Weber thanked everyone for attending and providing their comments. He stated they have made things very clear and the Board understands why they are upset with the proposed ordinance.

Mr. Murphy moved to remove this item from the table. Mr. Luketich seconded the motion. The motion passed on a unanimous voice vote.

Chair Weber read the proposed ordinance aloud for the record.

Chair Weber moved to approve the ordinance providing for the creation of a Fire Hydrant District and fixing of the millage for the Fire Hydrant Assessment by the Board of Supervisors of the Township upon the owners of real property situated within seven hundred eighty feet (780') of any fire hydrant located in the Township and benefitted thereby. Mr. Grego seconded the motion.

Mr. Murphy expressed his agreement with the comments made and feels everyone should pay a fair share. Mr. Luketich thanked everyone for attending and encouraged more participation from residents. He stated he lives one mile from the nearest fire hydrant and his neighbor lives three miles from the nearest fire hydrant. Because of this fire protection where he lives is simply different than it is in other parts of the Township. He stated tanking water to his property is not the same quality of protection one would receive when in proximity to a hydrant. He stated Pennsylvania American Water Company does not inspect the hydrants as they should, despite the Township paying the maintenance. Mr. Luketich noted the Township has engaged the water company regarding fire hydrant maintenance and will continue to do so.

Chair Weber called for a roll call vote:

Ayes: None

Nays: Mr. Burns, Mr. Grego, Mr. Luketich, Mr. Murphy and Chair Weber

The motion failed by a 5-0 vote.

6. NEW BUSINESS

There was no new business.

7. ADJOURNMENT

As no further business came before the Board, Chair Weber moved to adjourn the meeting. Mr. Grego seconded the motion. The motion passed on a unanimous voice vote. The meeting was adjourned at 10:57 a.m.

Respectfully submitted,

Brandon J. Stanick
Township Manager