

Borough of New Stanton
Borough Council
June 6, 2017
Minutes of Meeting

Attendance

Council members: Todd Bartlow, Dean Clark, Linda Echard, Scott Sistek, Tom Smith, Tom Theis. Others: Borough Engineer Emil Bove, Borough Solicitor John Campfield and, and Borough Manager Jeffrey McLaughlin.

Call to Order

President Scott Sistek called the meeting to order at 7:00 PM.

Invocation

Linda Echard recited a prayer.

Pledge of Allegiance

The Pledge was recited.

Moment of Silence for Wilbur Bussard

Scott asked that a Moment of Silence for the passing of Wilbur Bussard, a long-time councilmember and mayor of New Stanton Borough.

Executive Session

Scott asked for a motion to go into Executive Session for matters of litigation regarding an application to the Zoning Hearing Board.

Tom T. made the motion to adjourn to Executive Session at 7:03 PM.

Tom S. made a motion to come out of Executive Session at 8:13 PM.

Approval of Bills

Tom S. made a motion seconded by Dean approving the bills in the amount of \$32,624.47. Motion passed unanimously.

Approval of Minutes

Tom S. asked that a change be made to a comment attributed to him in the first bullet point of the *PennDOT Project Liaison* report on Page 5 of the May 2, 2017 minutes: “*Tom S. stated that there is a catch basin in the area...*” He stated that it should read: “*Tom S. stated that he was informed by a resident that there was a catch basin buried in the area...*” Jeff pointed out that in the copy of the minutes that were e-mailed out, Brandon, who was at the May meeting, was not listed in the minutes as being in attendance, but it was corrected in the copy hand delivered to council members before the meeting.

Linda made a motion seconded by Tom S. to accept the May 2, 2017 minutes with the change Tom S. proposed. Motion passed unanimously.

Scott stated that in Executive Session, in addition to the Zoning Hearing Board application, council also discussed matters of litigation regarding PennDOT and matters of real estate regarding borough property.

Council Additions to Agenda

Scott stated that he wanted to add an item, number 5, which would be to have a motion and vote to have Solicitor John Campfield represent the borough at the next Zoning Hearing Board meeting.

Tom S. asked that the bidding out of the Chanticleer water project be placed on the agenda. It was decided to discuss this item under Emil's report.

Tom S. asked that the idea to purchase shirts and vehicle sign magnets for Scott Herrod, the new Code Enforcement Officer, be placed on the agenda. Scott said it would be item 6.

Tom S. asked that a discussion of the audit be added to the agenda. Jeff stated that he did invite the auditors to the meeting, but they were not available; however, they do plan on attending the next meeting. Tom S. asked if the auditors should meet with the Finance Committee or the whole council. Scott said he would add it to the agenda as item 7.

Linda asked that item number 8 be a motion and vote to have the former borough building appraised be added to the agenda.

Opportunity for Public Comment -- on Agenda Items Only

Jeanie Smith, President of Board and Brenda White, Board Member, Greensburg Hempfield Library asked if they could address council. Scott stated that that they were on the agenda under the item 4 *Discussion on Library Proposal* and that they could speak at that time.

Agenda

1. M/V to Vote on Watershed B Ordinance

John stated that this proposed ordinance would amend the borough's existing stormwater establishing a separate release rate, 50%, for the area known as Watershed B. Emil pointed out that Watershed B consists of both sides of Broadview Road from Center Avenue to the DEP building.

Tom S. made a motion seconded by Tom T. approving Ordinance 2017-257 which amends and supplements the *New Stanton Stormwater Management Ordinance* creating two stormwater management districts. Motion passed unanimously. Scott pointed out that we should send a certified copy of the ordinance to PennDOT to show that have complied with their request to adopt this ordinance.

2. Planning Commission Recommendations

a) Solicitor to review & recommend changes to Zoning Ordinance re: food service, convenience stores and gas stations

Tom S. made a motion seconded by Todd authorizing John to make changes to the zoning ordinance as it relates to gas stations, service stations, food service and convenience stores. Motion passed unanimously.

b) Solicitor to review & recommend changes to Zoning Ordinance re: signage (law changes/technology)

Linda made a motion seconded by Tom S. authorizing John to make changes to the zoning ordinance as it relates to signage in response to changes in the law and technology. Motion passed unanimously.

3. Discussion on Public Comment Period(s)

Scott stated that this has been on the agenda a couple of times and he asked if anybody had any suggestions on how to handle it. Linda suggested that if an item is not already on the agenda, we should consider giving people an opportunity at the beginning of the meeting to state why they are attending. We can then give a short answer at that point. Linda asked if with all of the discussions that we have had are we ready to adopt a new procedure. Scott suggested that we move the *Opportunity for Public Comment*, typically held at the end of the meeting to before *Council Additions to the Agenda*. That would allow council to decide on how to address the item: does council want to add it to the agenda, table it, move it to another meeting, etc.

Tom S. made a motion seconded by Linda to move the *Opportunity for Public Comment* to after *Approval of the Minutes* allowing for a 3 minute time limit for non-agenda items and if council feels the item needs to be discussed further it could be added to the agenda. Motion passed unanimously. Scott said that this new policy will begin with the next meeting. *Opportunity for Public Comment – Agenda Items Only* would remain in the same place – after *Council Additions to the Agenda*.

4. Discussion on Library Proposal

Jeanie Smith, President of Board and Brenda White, Board Member of the Greensburg Hempfield Library asked council to consider placing a question on the fall election ballot to determine if voters will be willing to support a 1 mill tax to support the Greensburg Hempfield Library. They stated that they were not asking council if they agree with the measure, but for council to it on the ballot. Tom S. expressed concern about the tax increase especially in light of the recent tax increase announced by the school district and the burden this would create for older home owners. He also mentioned that technology is essentially making libraries obsolete. Tom S. also said if he voted to put it on the ballot it would give the appearance of an endorsement by council. Scott stated that putting a referendum on the ballot this year, which is considered an off-year election because not that many offices are on the ballot, would not be a true gauge of whether residents would really be in favor of this tax increase. He stated that the county-wide turnout is very low for these elections. The primary turn-out was only 18%.

He stated that it would not be fair if a binding referendum was passed with only 18% of the population voting and that there must be better ways to raise money. Ms. Smith stated that they have explored other avenues including grant writing. After their presentation, and answering questions from council members, Scott asked if council had any other comments. Hearing none, Scott stated that no action would be taken.

5. M/V to have Solicitor John Campfield Represent the Borough at the ZHB Meeting Regarding Yeltrah, LLC

Todd made a motion seconded by Tom S. to have Solicitor John Campfield represent the Borough at the ZHB Meeting Regarding Yeltrah, LLC. Motion passed unanimously.

6. M/V to Purchase Items for Code Enforcement Officer

Tom S. stated he would like to have some money set aside for shirts, and magnetic signs for the Code Enforcement Officer's vehicle. Jeff stated that rather than purchasing an additional phone, Scott has gotten a phone number added to his existing phone which would be exclusive for code enforcement calls. The phone number would use data on his phone so he is looking to be reimbursed \$25 a month.

Tom S. made a motion seconded by Tom T. authorizing the purchase of shirts and magnetic signs, and to reimburse Scott Herrod \$25 a month for using his phone to field code enforcement calls. Motion passed unanimously.

7. Discussion on the Audit

Tom S. stated that we seem to be getting the same issues mentioned in the audit management letter each year and he wanted to know how we could address these issues. Jeff stated that each council member received a copy of the audit this evening. Linda asked if we have an annual audit exit interview. Jeff stated that he attended one last year, but since he recently received the audit he has not yet met with the auditors this last year.

8. M/V to have the Former Borough Building Appraised

Linda stated that she had a discussion with John and Jeff and as a result is recommending that we have an appraisal done of the property. Two appraisers were contacted, John Lezza of Professional Real Estate Appraisal Services and Hayden Appraisal Services. Linda stated that both firms provided verbal quotes which could change. Lezza quoted \$1,300 for a general appraisal and \$1,750 for a detailed appraisal; and Hayden \$1,000 for the general and \$1,500 for the detailed. Linda stated that both firms have a lot of experience and both of them have done work in the borough in the past. Because both firms appear to be qualified, it was decided to go with the lower bidder.

Tom T. made a motion seconded by Tom S. to go with Hayden Appraisal Services for the detailed appraisal. Motion passed unanimously.

Reports

Administrative

Borough Manager – Jeffrey McLaughlin

Jeff reviewed the code enforcement report that was provided to each council member. Tom S. stated that some of the notices mailed out by code enforcement may not have been received by residents because of poor service from the post office. Tom S. also mentioned that Scott Herrod seems to be doing a nice job.

Solicitor – John Campfield

John reported that:

- He had a conference call with the attorneys involved with the Sell property on Arona Road regarding their quest to secure a subdivision. John mentioned that the nature of the subdivision is somewhat unusual. He stated that Emil had provided both parties with a review letter stating several items that needed to be done before the subdivision could be granted. John stated that he recently received a proposal from the attorneys that he forwarded to Emil for his review. John stated that he just wanted to provide an update on the situation.
- We received the signed roundabout agreement. John stated that he e-mailed Barry Lyons of PennDOT regarding the status of the deed for Rachel Drive.
- We have final agreements for the Hampton Inn for council to consider approving: the Developer's Agreement, Stormwater Management Agreement and Indemnity Agreement. Tom S. asked if the time of 10 PM mentioned on page 9 of the Developer's Agreement is correct for stopping construction. John stated that this language came from prior agreements, like the one for the DEP building. Tom S. also asked about videotaping the site before worked began. Emil stated that our responsibility is for the right-of-way. The developer can take photos and videos of their own property for their protection.

Dean made a motion seconded Todd approving the Developer's Agreement, Stormwater Management Agreement and Indemnity Agreement. Motion passed unanimously.

Jeff stated that since we were under the solicitor's report he wanted to inform council that the borough is being sued for an automobile accident on Arona Road, however from the address provided in the complaint, it appears that the accident occurred at the border of Arona Borough and Hempfield Township not in New Stanton. As per John's advice, Jeff stated that he forwarded the information to the borough's insurance carrier. They are in the process of trying to get the suit dismissed.

Engineer -- Emil Bove

Emil reported that:

- We have received the contracts back from the contractor for the borough to sign for the 2017 Paving. He is in the process of setting up a pre-construction meeting.
- For the Chanticleer project, he should have plans and specifications drawn up and bids back for consideration at the August meeting. Emil stated that the plan would connect the existing

pipe that ends at the base of the homeowner's driveway to the retaining pond. Tom S. and Jeff asked about the balance of the gully going up to Reagan Way. This would not be included in the work. Dean stated that one of the homeowner's still has their swimming pool in the right of way, closer to Reagan Way which would make doing that portion more difficult.

Tom S. made a motion seconded by Tom T. to have Emil develop the plans and specifications for the Chanticleer project. Motion passed unanimously.

- Emil reviewed Hawley subdivision. He stated that we received the approved planning module from the DEP. The subdivision mylars have already been signed by the Planning Commission, the just need signed by council.
- He is working on the new MS4 permit application that is due in September. He stated that the stream running between the turnpike and Wentsler and Westinghouse impaired with nutrients and we need to prepare a pollution reduction a plan as part of our application. Emil stated that none of the plans have had to be implemented yet, but cost to implement could be in the hundreds of thousands of dollars. Tom S. asked if the stream starts in New Stanton. Emil stated that it a very small portion is in Hempfield. They also have to develop a plan. Todd and Linda asked if we should work with Hempfield on their plan. Emil said he can talk to them. He said that DEP lays out a group of solutions that you essentially pick from. He said that some property owners, like UPS, already have stormwater management plans and we do not have to include those areas in our plan. For some property owners that do not have plans we may be able to approach them about helping with the clean-up but our authority requiring them to do anything is unclear. John stated that fees can be charged to property on to operate a storm water system.

Dean made a motion to prepare and advertise the Pollution Reduction Plan for DEP. Motion passed unanimously.

Tom S. made a motion seconded by Dean to have a public comment hearing for the Pollution Reduction Plan at 6:45 PM on July 1st with a fall back date of 6:45 PM on August 1st if we do not have enough time to advertise for the former date. Motion passed unanimously.

Business

Fire Department Liaison – Thomas Theis

Tom T. reviewed the Chief's Report that was provided to council. Linda asked if Tom T. could look into why Youngwood no longer has NSVFD on its call-out list for fires/incidents. Tom T. said he would.

Recreation Board Liaison – Nick DeSantis

No report.

PennDOT Project Liaison – Dean Clark

Dean reported that:

- The contractor ordered the stamps for the 2 roundabouts closest to I-70 and as soon as they are in, they will pour concrete. The contractor has agreed to use a charcoal colored dye instead of stain.
- The Center Avenue Bridge should be opened in 10 days.
- Another truck went onto neighborhood roads as a result of the bridge detours. Tom S. suggested installing another sign on Shelton.

Tom T. stated that the radius of Highland Avenue at the intersection with Center Avenue is very tight.

Planning Commission Liaison

No report.

Council Committees

Personnel and Human Resources – Scott Sistek

No report.

Public Works/MS-4 and Parks – Dean Clark & Todd Bartlow

Dean reported on the grass cutting at the park. Council expressed their concerns about the contractor including the quality of grass cutting, the length of time it takes to cut the grass, and the fact that he missed a cut. Dean and Jeff stated that they have both have had conversations with the contractor about the dissatisfaction of the product and about his capacity.

Scott stated he would relinquish his duties as President to V. President Dean Clark to make a motion. Scott made a motion seconded by Tom T. to terminate the contract with Copley Lawncare Maintenance and Landscaping. Motion passed unanimously.

Scott resumed the position of President. Linda made a motion seconded by Todd made by Colmat Landscaping to take over the grass cutting at the park. Motion passed unanimously.

Todd asked about brush cutting in the right-of-ways. Jeff stated that Youngwood is in the process of cutting it but the brush-hog broke down cutting. They should be resuming shortly

Building and Real Estate – Linda Echard

No report.

Workplace Safety – Thomas Theis

Jeff reported that the committee met on:

- May 4th and participated in a Heat Exhaustion webinar.

- June 5th and participated in a Basics of Chain Saw Safety webinar.

Finance – Scott Sistik

Scott reviewed the financial report as of May 31, 2017: total checkbook balance: \$423,310.61; total all savings accounts: \$347,568.21; and total taxes remitted from May 3, 2017 through May 31, 2017: \$103,924.07.

Mayor's Report

No report.

Announcements

Scott reported that:

- The next meeting would be on July 11th. He suggested that we have the auditors meet with the Finance Committee at 6:15 PM on that night, if the Pollution Reduction Plan meeting is held 6:45, Finance would meet with the auditor from 6:15 until 6:45 and then resume meeting with the auditor with the full council at 7 PM.
- The Community Picnic will be August 5th and the Community Yard sale August 12th.

Opportunity for Public Comment

There was no comment from the audience.

Adjournment

Todd made a motion to adjourn the meeting at 10:26 PM.

Respectfully submitted,

Jeffrey McLaughlin
Secretary