

Borough of New Stanton
Borough Council
Via Teleconference
January 5, 2021
Minutes of Meeting

Attendance

Council members: Todd Bartlow, Joshua Bennett, Alex Brown, Linda Echard, Ray Strosko, Tom Theis and Edwina Zack and Mayor Scott Sistik. Also: Borough Engineer Emil Bove, Borough Solicitor John Campfield and Borough Manager Jeffrey McLaughlin. Guest: Alana Ficco, Bill Cooke, Ryan Wotus, David Masterstefano, Henry Fownes, Kim Clackson, Rich Erenberg and George Miller.

Prayer

Linda recited a prayer.

Pledge of Allegiance

The Pledge was recited.

Public Hearing on Proposed LERTA Ordinance

John conducted the hearing regarding classifying the 193.712-acre site owned by RSP, LP as a deteriorated area under the Local Economic Revitalization Tax Act (LERTA). He gave an overview of the site as well as the proposed LERTA ordinance. He said that the ordinance would give a 100% exemption on real estate taxes on any new construction on the site. The school district has already deemed the are deteriorated as per the LERTA.

Kim Clackson and Rich Erenberg from RSP, LP talked about the site and in favor of the proposed ordinance.

There were no other comments.

The hearing was closed at 5:44 PM.

Call to Order

President Ray Strosko called the regular January 5, 2021 council meeting to order at 5:45 PM.

Approval of Bills

Josh made a motion seconded by Alex to approve the bills from December 9, 2020 until December 29, 2020 in the amount of \$12,162.38. Motion passed unanimously.

Approval of Minutes of December 15, 2020 Meeting

Linda made a motion seconded by Josh to approve the December 15, 2020 meeting minutes. Motion passed unanimously.

Guests

There were no comments from guests at this point of the meeting.

Opportunity for Public Comment -- Items Not on the Agenda

There was no public comment.

Council Additions to Agenda

There were no additional items added to the agenda.

Opportunity for Public Comment -- on Agenda Items Only

There were no comments.

Agenda

1. M/V to Adopt Ord 2021-271 Declaring 193.712-Acre Site Owned by RSP, LP as a Deteriorated Area Under LERTA

Alex made a motion seconded by Josh adopting Ordinance 2021-271 declaring the 193.712-acre site owned by RSP, LP as a deteriorated area under the Local Economic Revitalization Tax Act (LERTA). Motion passed unanimously.

At this point, Kim Clackson and Rich Erenberg left the meeting.

2. M/V to Adopt Res 2021-968 Amending Res 2020-954 and to Approve the Novation and Amendment to the Agreement for the Sale of the Old Borough Building

John stated that Bill Cooke, who is the managing partner of both Market Capital Holdings, LLC and Greenery Market, LLC, is interested in having the old borough building sold to the former instead of the latter. Resolution 2020-954, adopted at last month's meeting, stipulated the buyer as the sole bidder, Greenery Market, LLC. John stated that Res. 2021-968 and the accompanying Novation and Amendment to the Agreement of Sale would authorize this change to Market Capital Holdings, LLC.

Alana Ficco spoke on behalf of Bill Cooke explaining why they have asked for this change.

Tom made a motion seconded by Linda to adopt M/V to Adopt Resolution 2021-968, including Exhibit A the Novation and Amendment to the Agreement for the Sale of the Old Borough Building, which amends Resolution 2020-954. Motion passed unanimously.

George Miller joined the meeting during the above discussion. Alana Ficco and Bill Cooke left the meeting after the resolution was adopted.

3. M/V to Approve the Developer's, Stormwater Facilities and Indemnity Agreements with CSP Investments (i.e., Sheetz)

Jeff said that at the last meeting council voted to approve the sidewalk easement and to submit it to PennDOT as part of the Highway Occupancy Permit application, which was subsequently approved by PennDOT. However, at that meeting council decided to hold off on approving the other documents to give John a final opportunity to review them. John mentioned that the consolidation plan that was approved in July has not yet been recorded by Sheetz.

Ryan Wotus, an attorney for Sheetz, stated that Sheetz wanted to wait on recording the consolidation until the Developer's, Stormwater Facilities and Indemnity Agreements are approved. If council approves the agreements they will record the consolidation and provide evidence of that to council.

John mentioned that Sheetz also needs to get agreements in place with MAWC regarding sewer and water lines. Emil elaborated on this. He said that the sewage side of MAWC was awaiting evidence that the lot consolidation was recorded and that CSP Investments takes ownership of the property.

Ryan said that they would address. He also asked council to reaffirm the lot consolidation.

Alex made a motion seconded by Linda to reaffirm the lot consolidation plan submitted by CSP Investments, originally approved via Resolution 2020-943 on June 2, 2020 and subsequently reaffirmed on July 7, 2020 and to approve the Developer's Stormwater Facilities' and Indemnity Agreements with CSP Investments on the understanding that is conditioned upon the recording of the consolidated plan and CSP entering into the sewer and water agreements with MAWC. Motion passed unanimously.

At this point, Ryan Wotus, David Masterstefano and Henry Fownes left the meeting.

4. M/V to Adopt Resolution 2021-969 Appointing George Miller to the Planning Commission

Jeff mentioned that he received a call from Alex asking that the idea of considering George Miller for membership on the Planning Commission be added to the council meeting agenda.

Alex spoke on behalf of George Miller and encouraged council to appoint him to the Planning Commission.

George gave some personal background and said he would like to serve the community.

Todd made a motion seconded by Linda to adopt resolution 2021-969 appointing George Miller to the Planning Commission. Motion passed unanimously.

5. M/V to Adopt Resolution 2021-970 Appointing Donna Bailey to the Vacancy Board

Josh made a motion seconded by Todd to adopt Resolution 2021-970 appointing Donna Bailey to the Vacancy Board. Motion passed unanimously.

6. M/V to Adjust the Public Works Rates for Hunker

Council decided to table this item, asking Jeff to first notify Hunker that the borough is considering an increase.

Reports

Administrative

Planning Commission

Jeff stated that he expects the Planning Commission to meet in January to review the proposed Stormwater Ordinance.

Borough Manager

Jeff reported that:

- Ray signed the loan documents for the purchase of the new fire truck and the new truck was paid off which enabled the borough to receive the \$4,400 discount.
- The PW crew took down the Christmas decorations at the borough building. Linda suggested that the Christmas decorations on the telephone poles be left up until after the Russian Orthodox Christmas which is celebrated on January 7, 2021. Council agreed.
- The current resolution extending the emergency declaration is expiring at the end of January. Jeff asked if council would like to extend the declaration until the end of April to coincide with the meeting calendar that was advertised that calls for virtual meetings through April.

Josh made a motion seconded by Todd to adopt resolution 2021-971 extending the emergency declaration until the end of April, 2021. Motion passed unanimously.

Code Enforcement

Jeff reviewed the written report that was e-mailed out to council. He reported that County-Wide Hauling received the refuse contract for Hempfield Township and unfortunately in notifying Hempfield residents they also sent notices to several borough residents that has caused some confusion, with 4-5 people calling the borough to see if the borough changed carriers. Jeff stated that he contacted County-Wide to tell them the situation and had Anita send out a Savvy Citizen to notify residents about the error.

Solicitor's Report

John reported that:

- The developer of Broadview Estates signed the developer's agreement that was sent to the developer months ago and they sent it back along with a security agreement. John stated that the security agreement is not sufficient. He also stated that under the Municipal Planning Code (MPC), the borough is not to approve a plan unless the security is in place. The developer is also to have a developer's agreement and security agreement in place with MAWC. He said we need to monitor this and make sure these agreements are in place. Emil

said that the MAWC will not give the final approval of the sewer line until after the plan is recorded. John said we will need to have a discussion with MAWC.

- He, Jeff and Emil have been working on the Stormwater Ordinance. He stated that he drafted a provision in the model ordinance that the old ordinance will no longer be in effect. He also pointed out that the borough's property maintenance code would need to be amended as well as the Subdivision and Land Development Ordinance (SALDO).

Engineer's Report

Emil reported that:

- He is working to get the Erosion and Sedimentation Plan and permit applications to the Westmoreland Conservation District the week after the meeting. He will have Jeff sign off on the two permit applications and the Erosion and Sedimentation Control Plan. They are continuing to work on the design.
- KGD Contracting is finishing the installation of the fencing, which should be completed by the end of the week. The borough should also be getting the two-year maintenance bond. After that, the final payment, which was approved at the last meeting, can be made.
- The model stormwater ordinance provided by the county allows for some customization by each municipality. He said that in customizing the model ordinance for consideration by the Planning Commission and Council, he proposed middle of the road thresholds, because our mix of land uses. He reviewed some of the details about the thresholds and suggested that there will be a need to get the word out and to educate the residents about the ordinance.

Fire Department Liaison

Josh reviewed the report.

Council President

Ray asked Jeff about the status of the telephone pole-mounted Christmas lights, stating that the lights do not stay on until the early morning hours with the exception of one light that does not come on until early morning hours. He asked if West Penn has agreed to adjust the cost. Jeff stated that he had spoken and e-mailed Dave Evans, the West Penn contact, several times to see if the timers were true dusk-to-dawn or if they were simply designed to go on at dusk and to shut off after so many hours. Mr. Evans stated that because of COVID-19 they have been unable to get an answer from the supplier; however, Jeff did report that Mr. Evans stated that if they were designed to go off after so many hours, West Penn would not charge the borough as much for electric. Linda mentioned that the light near Pine and Center only comes on in the early morning, not in the evening. Jeff stated that the PW crew took the light down and replaced it to make sure it was functioning, so it must be the timer. Ray told Jeff to get a final answer from Mr. Evans.

Mayor

No report.

Personnel/HR

Linda said that as of January 1st the borough has an Assistant Borough Manager, Anita Hoffman. Linda said that she would like to have a Personnel Committee with Jeff present. She also suggested that an organizational flow chart be created. She said that about a year ago a decision was made that if staff did not want to bring an item to Jeff that they could bring it to her as Chair of the Personnel Committee. She stated that no one from the staff has raised any issues with her but staff have reached out to other council members. She suggested that the organizational flow chart would clarify the chain of command.

Public Works/MS4 & Parks

Ray stated that the PW crew has been doing a good job salting and plowing the roads and have been picking up litter along the sides of the roads.

Special Events

Josh thanked Todd and his family for coordinating Santa visiting the neighborhoods on the fire truck.

Building and Real Estate

Linda said that she had nothing to add to what was discussed earlier in the meeting.

Safety Committee

Jeff stated that the committee has been recertified by the PA Department of Labor and Industry which entitles the borough to a 5% workmen's compensation discount.

Financial Report

Ray reviewed the financial report through October 31, 2020: the total balance of all checking accounts was \$373,826.48. The total of all savings accounts was \$1,758,885.57 and the amount of taxes remitted from December 7, 2020 through December 29, 2020 was \$16,446.37.

Jeff stated that he and Anita have been trying to get the general account bank statement with canceled checks for council's monthly review. Presently the borough only receives an on-line bank statement with no canceled checks.

Executive Session

Todd made a motion seconded by Josh to go into Executive Session at 7:14 PM. There were no objections.

Todd made a motion seconded by Josh to come out of Executive Session at 7:33 PM. There were no objections.

Adjournment

Todd made a motion seconded by Josh to adjourn the meeting at 7:33 PM. There were no objections.

Respectfully submitted,

Jeffrey McLaughlin
Secretary