

Borough of New Stanton
Borough Council
New Stanton Council Chambers
May 2, 2023, 6 PM
Minutes of Council Meeting

Attendance

Councilmembers: Todd Bartlow, Alex Brown, Ray Strosko, Edwina Zack and Mayor Tom Smith. Absent: Linda Echard, George Miller and Tom Theis.

Also in attendance: Borough Solicitor John Campfield, Borough Engineer Steve Eby and Borough Manager Jeffrey McLaughlin.

Call to Order

President Alex Brown called the regular May 2, 2023 council meeting to order at 6:00 PM.

Pledge of Allegiance

The Pledge was recited.

Prayer

Jeff recited a prayer.

Approval of Bills in the Amount of \$24,372.72

Edwina made a motion seconded by Todd to approve the bills in the amount of \$24,372.72. Motion passed unanimously.

Approval of Minutes of the April 4, 2023 Meeting

Edwina made a motion seconded by Todd to approve the minutes of the April 4, 2023 meeting. Motion passed unanimously.

Opportunity for Public Comment -- Items Not on the Agenda

There were no public comments.

Opportunity for Public Comment -- on Agenda Items Only

There were no public comments.

Agenda

- 1. Discussion and or Deliberation and or Official Action on New Stanton Investors, LLC c/o Summerwood Corporation's Land Development Application for a New Taco Bell at 105 Highland Avenue, Parcel ID#: 64-04-09-0-004**

Daniel Andres from the EADS Group reviewed the proposed development of a Taco Bell at the location of the former Pizza Hut. The new restaurant would be 2,722 square feet in size, sitting essentially in the same location on the property as the former Pizza Hut. The new restaurant would feature a double-lane drive-thru. About 80% of the business would be through the drive-thru. There would be 52 seats in the restaurant and additional seating outside on a patio. There will also be a walk-up window for online orders. The ADA parking space, the walkway from the ADA space to the building and the drive-thru lanes would all be concrete. The rest of the parking lot would be asphalt. The driveway would be in the same location. The developer is in the process of seeking variances from the Zoning Hearing Board to limit the number of parking spaces needed, to install an 11.5' retaining wall and to eliminate having to install sidewalks.

Jeff referenced the Planning Commission's letter in the packet which recommends that council approve the land development plan, allowing for the variances from the Zoning Hearing Board regarding the number of parking spaces and the retaining wall height, if a fence is placed on top of the wall, but the recommendation was contingent on sidewalks being required on both Center and Highland.

Jeff said that the Comprehensive Plan recommends sidewalks and that the Planning Commission was looking at sidewalks in light of the plan.

Alex pointed out that at the last meeting, as council discussed the position it would take before the Zoning Hearing Board, it voted that it would be okay with all of the variances with the exception of the elimination of the sidewalk on Highland. It decided that it would encourage the ZHB to deny that variance.

Jeff said that a developer's agreement between the borough and the developer is typically drafted in these instances. After the agreement is drafted it comes back to the council for approval.

Alex suggested a motion to approve the land development plan as submitted by New Stanton Investors, contingent upon the Zoning Hearing Board's decision and upon the drafting and finalization of a Developer's Agreement between the borough and the developer.

Jeff asked Dan if a traffic study was done. Dan said he was unaware of a traffic study being done because the owners probably figured it was a similar use to the Pizza Hut. Alex asked if Dan thought that there would be more than one hundred trips in a peak hour. Dan did not know. Alex said he thought it was something that could be approved at the meeting when the developer's agreement is considered.

Edwina made a motion seconded by Todd to approve the land development plan as submitted by New Stanton Investors, contingent upon the Zoning Hearing Board's decision and the drafting and finalization of a Developer's Agreement between the borough and the developer. Motion passed unanimously.

2. Discussion and or Deliberation and or Official Action to Award Contract to Replace Park Waterline

Due to a leak in the park waterline which has yet to be found by a plumbing contractor, Steve received three quotes to replace the entire line: Francis Roofing and Heating: \$8,565.22; Nevaeh Piper Bursting, LLC: \$10,723 and Walter Bella: \$7,500 without mulch and seeding and \$8,500 with mulch and seeding.

Todd made a motion seconded by Ray to hire Walt Bella to replace the waterline at the park at a cost of \$8,500 including mulching and seeding. Motion passed unanimously.

3. Discussion and/or Deliberation and/or Official Action to Waive Rental Fee for Armbrust Veterans Pavilion Rental

Alex stated that the Armbrust Veterans are renting a park pavilion and he suggested that council should consider waiving the rental fee to thank them for participating in the borough's annual Veterans' Day event.

Edwina made a motion seconded by Todd to waive the pavilion rental fee for the Armbrust Veterans. Motion passed unanimously.

4. Discussion and/or Deliberation and/or Official Action to Amend Handbook Regarding Disciplinary Action, Penalties and Procedures

Alex stated that the point of this agenda item is to eliminate section 4.2 of the Handbook so as to give the personnel committee and council greater flexibility in dealing with situations where an employee violates the provisions of the handbook or acts inappropriately.

Todd made a motion seconded by Edwina to remove Section 4.2 from the Employee Handbook. Motion passed unanimously.

5. Discussion and/or Deliberation and/or Official Action on Whether and When to Hold the Annual Community Yard Sale

Edwina made a motion seconded by Todd to hold the Community Yard Sale on Saturday, June 3, 2023. Motion passed unanimously.

6. Discussion and/or Deliberation and/or Official Action to Adopt Resolution 2023-1026 Appointing F. Rebecca Hald as Alternate to the Zoning Hearing Board

Given the lack of a quorum at the recent Zoning Hearing Board meeting, Jeff said that Alex okayed asking Ms. Hald, who was one of the candidates that expressed an interest in the Planning Commission, if she would be willing to have council consider her for the position of alternate on the Zoning Hearing Board. Ms. Hald said that she would be interested.

Tom S. asked if adding a second alternate would be a good idea. Alex suggested proceeding, but perhaps at a future meeting having council consider advertising for another alternate.

Todd made a motion seconded by Edwina adopting Resolution 2023-1026 appointing F. Rebecca Hald as an alternate to the Zoning Hearing Board. Motion passed unanimously.

7. Discussion and/or Deliberation and/or Official Action to Offer Training to Planning Commission and Zoning Hearing Board Members

Jeff reported that the Pennsylvania Municipal Planning Education Institute (PMPEI) offers zoning and planning training classes online at a cost of \$25.

Todd made a motion seconded by Ray to offer training to Planning Commission and Zoning Hearing Board members and alternate. Motion passed unanimously.

8. Discussion and/or Deliberation and/or Official Action to Purchase a New Office Computer

Jeff provided a quote from Major Solutions for a new office desktop computer at the cost of \$1,198. There was a discussion on whether to order a new computer or to get the old one looked at.

Edwina made a motion seconded by Todd to authorize the purchase of a new computer from Major Solutions in the amount of \$1,198.00. Motion passed unanimously.

9. Discussion and/or Deliberation and/or Official Action to Purchase and Additional Camera for the PW Garage

Jeff provided a quote from Major Solutions to install another camera in the public works garage at a cost of \$477. Jeff said that the camera would be pointed at the side garage door and rear man door in the Public Works garage are not currently covered by a camera.

Ray made a motion seconded by Todd to purchase an additional camera for the Public Works garage at a cost of \$477. Motion passed unanimously.

10. Discussion and/or Deliberation and/or Official Action to Schedule a Hearing Regarding the Possible Amendment of the Zoning Ordinance Regarding Traffic Studies

Todd made a motion seconded by Edwina to hold a hearing on June 6, 2023 at 5:30 PM to consider amending the zoning ordinance regarding traffic studies and to hold the regular June council meeting immediately after the conclusion of the hearing. Motion passed unanimously.

Reports

Administrative

Planning Commission

Jeff said the main item of business at the April Planning Commission meeting was regarding Taco Bell which was reported on earlier in the meeting. Alex asked if anything was on the agenda for the upcoming meeting. Jeff stated that he contacted the CWCTC about the need to submit a land development application for the small building addition, but he hasn't received anything yet. Alex suggested reaching out to them again.

Borough Manager

Jeff reported that:

- As a follow up to the discussion at the last council meeting, Jeff and Steve met with the new tenant at 106 Sewickley St. who said that they would not have any large construction vehicles, mostly smaller work trucks and a mini excavator. Jeff said that they asked if the conduit that was outside could be stored inside. Jeff said that afterwards he and Steve met with Tom T. to inform him of the discussion and that Tom T. seemed satisfied. Jeff and Steve also looked into a couple of code issues that Tom T. pointed out at other properties.
- The borough received an application from SunCap to install hydrogen fueling stations at the new warehouse for forklifts.
- The Central Planning District is to schedule a meeting to discuss the possibility of starting a Council of Governments.

Code Enforcement Report

Alex stated that he asked Jeff to invite Mark Cypher to attend the next council meeting to give an in-person update.

Jeff said that he sent a notice of violation to a new automotive repair garage that has begun operating at a former residential home on Arona Road. Jeff stated that garages in that zoning district require a Special Exception from the Zoning Hearing Board to operate and the owner has not yet filed the application.

Solicitor's Report

John said that he and Jeff will be attending the Zoning Hearing Board meeting on May 8, 2023. He also stated that the Municipal Planning Code allows council to appoint two more alternates to the Zoning Hearing Board.

Engineer's Report

Steve reported that:

- PennDOT has to review the grade of Center Avenue to determine if the borough can legislate the use of jake brakes on the road.
- PennDOT is also reviewing the *No Turn on Red* requirement at Arona Road and Center Avenue.
- Layton Construction is waiting on the gas company to install the gas line on Glenn Fox Road. After that construction of the road can begin.
- Another park grant, the Greenways, Trails and Recreation Program through the Commonwealth Financing Authority, is available but the application is due at the end of the month and a resolution needs to be adopted as part of the application. Steve also reported that he has been looking into the cost to install a bridge over the creek to where the borough

owns additional property, so that the park can be expanded. He said that the cost for a prefabricated bridge would be approximately \$385,000 but that would not include setting it in place.

Tom S. suggested that the committee that met earlier about the first park grant application meet again to discuss the next phases of the park, so that the borough has a plan in place, prioritizing what to apply for when grant money becomes available.

Alex suggested having a second meeting in May so that there could be a discussion about the park and what council would like to see included in the grant application which is due at the end of the month. He said that the resolution could be voted on at that time.

Alex asked if we had heard anything about additional funding coming from PennDOT for Arona Road. Steve said not yet.

Fire Department Liaison

Ray reported that the fire department had net revenue of \$35,516.27 over the last month. There was a discussion about the number of calls that the fire department receives from one local motel.

Council President

Alex said that he electronically signed the splash pad and fire station grant agreements and asked George to sign them as well.

Mayor

Tom S. read a letter from Patty Smith from ABATE thanking council for making May Motorcycle Safety Month.

Personnel

Alex suggested going into Executive Session briefly at the end of the meeting regarding personnel.

Public Works/MS4 & Parks

Jeff said that:

- The PW crew has inventoried the hometown hero banners and will be installing them upon John's return so as to allow one person to operate the lift and the other two to flag.
- CT Specialties is doing a good job cutting the grass at the park. The borough has not received any complaints.
- FedEx employees volunteered at the park on April 21, 2023 as part of Earth Day. Trevor and Anthony replaced several of the rails on the split rail fence along the walking trail at the park

and the FedEx volunteers painted the entire fence. They also added mulch to the playgrounds.

Community Betterment

No report.

Workplace Safety Committee

Jeff said that the committee met in April and will be meeting in May.

Finance Report

Todd reviewed the financial report: as of April 23, 2023, there was a checking balance of \$943,242.06; the total of all savings accounts was \$866,184.76 and the taxes remitted from March 26, 2023 through April 23, 2023 was \$55,032.

Additional Opportunity for Public Comment

No public comment.

Executive Session

Todd made a motion seconded by Edwina to go into Executive Session for matters of Personnel at 7:37 PM. Motion passed unanimously.

Todd made a motion seconded by Edwina to come out of Executive Session at 7:48 PM. Motion passed unanimously.

Alex stated that the next meeting will be on Tuesday, May 16, 2023, the Planning Commission meeting is scheduled for May 10, 2023 if there is any business and the Zoning Hearing Board is scheduled for May 12, 2023.

Adjournment

Todd made a motion seconded by Edwina to adjourn the meeting at 7:51 PM. Motion passed unanimously.

Respectfully submitted,

Jeffrey McLaughlin
Secretary