

Borough of New Stanton
Borough Council
New Stanton Council Chambers
August 2, 2022, 5:30 PM
Minutes of Public Hearing & Regular Council Meeting

Attendance

Council members:, Alex Brown, Linda Echard (Via Telephone), George Miller, Ray Strosko and Tom Theis and. Mayor Tom Smith. Absent: Todd Bartlow Edwina Zack

Also in attendance: Borough Solicitor John Campfield, Borough Engineer Steve Eby (Steve arrived at 6:05 PM) and Borough Manager Jeffrey McLaughlin.

Hearing Regarding Request from CBOCS Pennsylvania, LLC to Transfer a Liquor License to 154 W. Pennsylvania Avenue

Alex presided over the hearing regarding a request by CBOCS Pennsylvania, LLC to transfer a liquor license to the Cracker Barrel restaurant at 154 West Pennsylvania Ave. (A court reporter was present and transcribed the entire proceedings a copy of which can be ordered by interested parties by contacting the borough.)

Discussion and/or Deliberation and/or Official Action on CBOCS Pennsylvania, LLC Request to Transfer Liquor License to 154 W. Pennsylvania Avenue

Tom T. made a motion seconded by Ray to approve Resolution 2022-1004 authorizing the transfer of a liquor license to CBOCS Pennsylvania LLC for the Cracker Barrel restaurant at 154 W. Pennsylvania Avenue. Motion passed unanimously.

Call to Order

President Alex Brown called the regular August 2, 2022 council meeting to order at 6:11 PM.

Pledge of Allegiance

The Pledge was recited.

Prayer

Jeff recited a prayer.

Approval of Bills

Jeff reported that Tom S. had pointed out minor errors in the bill list and a revised bill list was e-mailed to council members the day before the meeting and copies were provided to them at the meeting.

George made a motion seconded by Tom T. to approve the bills in the amount of \$35,363.17. Motion passed unanimously.

Approval of Minutes of the July 5, 2022 Meeting

Tom S. asked that the last sentence of the fifth bullet point under the Code Enforcement report in the July 5, 2022 meeting minutes be amended to read: *Tom S. said that a number of residents living adjacent to this property have approached him about the situation at this address and he has told them to file a complaint with the borough.*

George made a motion seconded by Tom T. to approve the minutes of the July 5, 2022 meeting with the change asked for by Tom S. Motion passed unanimously.

Opportunity for Public Comment -- Items Not on the Agenda

Richard Nedrow, 205 Florence Dr.

Mr. Nedrow asked why there was not an agenda item regarding the noise from I-70. Jeff reported that he had contacted a PennDOT representative after the last meeting about getting a copy of the noise study that was conducted for the new I-70 interchange. The PennDOT representative stated that he will have to determine if the noise study can be released. He was not sure whether it contained proprietary information.

Opportunity for Public Comment -- on Agenda Items Only

There were no comments on agenda items.

Agenda

1. Discussion and/or Deliberation and/or Official Action on CBOCS Pennsylvania, LLC Request to Transfer Liquor License to 154 W. Pennsylvania Avenue

Alex pointed out that this was discussed earlier in the meeting.

2. Discussion and/or Deliberation and/or Official Action on Whether to Adopt the Revised SunCap Plans, Security, Permits and Other Changes for the Development

Jeff reported that the developer is interested in getting the Fox Subdivision and the New Stanton Technology Park Consolidation Plan (i.e., mylars) reapproved and resigned by the borough. The drawings were approved and signed by council several months ago but were never recorded by the developer, who was awaiting receipt of permits from DEP and Army Corps of Engineers. The time for the filing of the drawings has since expired and thus would need reapproved and resigned. The Fox's and New Stanton Technology Park have already resigned.

Steve reported that the original construction prices that he reviewed for stormwater and road improvements were in March and he is seeking updated numbers to determine the security/bond amounts.

John reminded council that the security/bonds should be for 110% of the construction amounts.

Steve said that he is also reviewing the final drawings that have changed with the shifting of the building and the recommendations from DEP. Steve said that the revised index of drawings would need to be attached to the developer's agreement.

Jeff said that the Army Corps of Engineer permit is still outstanding. Steve said that the DEP has given their approval.

John suggested that a list of the outstanding items be given.

Ben Faist, from SunCap Property Group addressed John's comment, asking that:

- The Developer's Agreement be amended subject to Steve's approval of the plans.
- The Subdivision and Consolidation Plan be approved and resigned, with minor clerical corrections agreed to by both the borough and SunCap, subject to satisfying Steve of the MAWC final water and sewage plans that they just submitted and receipt of the two bonds.

Alex asked if the signing of the Subdivision and Consolidation Plan should be subject to the receipt of the Army Corps of Engineers permit. Steve said that the Army Corps should follow suit with the DEP.

Tom T. made a motion seconded by George approving the amended developer agreement subject to Steve's approval; and signing the Subdivision and Consolidation Plan subject to Steve's approval; and everything being contingent upon the final approval from the Army Corps of Engineers and the borough receiving the security/bonding. Motion passed unanimously.

3. Discussion and/or Deliberation and/or Official Authorizing the Resigning of the Fox Subdivision and Fox / New Stanton Technology Park Consolidation Plan

This item was addressed under Item #2.

4. Discussion and/or Deliberation and/or Official Action Setting the Community Events Calendar for 2022

Jeff stated that at the last meeting there was talk about getting the community events schedule set for the rest of the year. He pointed out that there was a resolution passed in 2011 setting the specific dates for Halloween (October 31st), the Children's Christmas Party (First full weekend in December) and Easter Egg Hunt (Sunday before Easter).

Council also discussed the Veteran's Day event which has typically been held on Veteran's Day at the borough building. Tom S. mentioned the idea of holding the event at the fire hall so as to allow for more space, particularly given concern about the pandemic. There was general agreement and Council asked Jeff to see if the fire hall was available and if not to reach out to local churches to see if they would be available.

Tom T. made a motion seconded by Linda to hold the Veteran's Day event on Friday, November 11th, Trick or Treat on Monday, October 31st and the Children's Christmas party on Sunday, December 4, 2022. Motion passed unanimously.

5. Discussion and/or Deliberation and/or Official Action Regarding Council Members E-mail Addresses on the Website (See Manager's Report for More Information)

Jeff reported that there are issues with council members e-mail addresses on the borough's web site. There was general agreement that e-mails should be directed to the borough and then forwarded to individual council members.

Reports

Administrative

Planning Commission

Jeff stated that Planning representatives will need to sign the Fox Subdivision and New Stanton Technology Park Consolidation Plans when all other conditions are approved.

Borough Manager

Jeff reported that:

- Linda, Tom S., and Steve and he met with Rob Dean from PennDOT and Art DeMeo and Lori Kofalt from the Western Pennsylvania Conservancy regarding the Rachel Drive Roundabout. Jeff reported that Rob Dean said that he will investigate whether the flagpole can be placed in the roundabout and will also investigate the ownership of the "bump out" area outside of the roundabout. He said that Art and Lori from the Conservancy reported that perennials would be best for the roundabout because of a lack of water at the roundabout. They will help find sponsors to cover the cost which is anticipated to be in the \$4,000 range.
- The owner of 115 Westmore Avenue had to apply for and receive a second building permit.
- A complaint submitted to the Fire Commissioner was forwarded to the borough regarding 127 W. Byers Avenue. The Borough's UCC Inspector, Mike Stack, has given the owner 60 days to make corrections and will then perform an inspection to ensure that the issues have been addressed.
- A new craft store will be opening at 417 S. Center Avenue at the beginning of September called *Boarded Up*. The store will house local vendors selling crafts and will also offer classes and the materials needed for customers to make their own primitive wood signs.

Code Enforcement Report

Jeff reported that:

- He will attend a fourth hearing scheduled with the magistrate for 366 Arona Road on September 1, 2022.
- The property owner cleaned-up some of the weeds and brush at 106 N. Center Avenue but is waiting on a landscaper to come and complete the rest of the work.
- He discussed the removal of a porch roof attached to a garage at 261 Arona Rd. with the property owner, who said it would be addressed.
- He received a complaint about accumulation of junk and unregistered vehicles at 300 Arona Road. He has been unable to contact homeowner to date but will continue to attempt.

- The owner has repaired the roof of the cottage-type structure at the back of his property.
- The owner of 430 S. Center Avenue has made improvements to the building's gables. He reported that he also asked the owner to address the number of unregistered vehicles on the property and that the owner would be willing to work with the borough on solutions to screen the rear of the property.

Tom T. brought up the county land bank. Jeff said that he contacted Brian Lawrence who heads up the County Redevelopment Authority that operates the land bank. There is a one-time \$5,000 fee to join the land bank. Jeff stated that in order for the land bank at a minimum the property would need to be tax delinquent and vacant property and an end buyer should be lined up to purchase the property off the land bank.

There was a discussion on substandard properties. George suggested that the borough get clarification on the circumstances under which the land bank would purchase a property.

Jeff reported that he had contacted and received a resume for the position of code enforcement officer. He forwarded that information to the Personnel Committee and will be setting up an interview with the candidate. George said that the Personnel Committee would like to find someone to aggressively identify dilapidated properties and develop a long-term plan to get them addressed.

There was a discussion about going to the Court of Common Pleas as opposed to the magistrate regarding some of the properties.

Solicitor's Report

John reported that the Regency tax appeal agreement has been signed but has not been approved by the court. He said that he, Steve and Jeff have been spending a lot of time on the SunCap development. He said that it is anticipated that SunCap will purchase the property in the next month.

There was additional discussion about the land bank. Tom T. suggested putting the idea to join the land bank on the agenda for the next meeting. Alex agreed.

Engineer's Report

Steve reported that:

- Folino Construction is in the process of sealing the edges of the new pavement.
- SunCap should provide a list to the respective municipalities of property owners that do not want their homes inspected prior to blasting. He said that all of the material that is blasted away is to be used as fill on other parts of the site. John suggested that residents concerned about the blasting can go to the DEP building on Broadview Road.
- He received a complaint about muddy water leaching into someone's pool from the proposed warehouse site. He directed the complainant to take his concerns to the property owner.

- Pugliano is scheduled to begin on the Arona Road Bridge on August 15th.

Fire Department Liaison

Ray reviewed the monthly Chief's report. He also reported that the fire department is concerned about the lack of staffing at the local ambulance service.

Council President

Alex reported that along with himself, Edwina and Tom S. attended the Central Planning District meeting in S. Greensburg. The focus of the meeting was to identify road projects that the municipalities would like to see PennDOT upgrade.

Alex also reported that he has been reviewing the codification for possible amendments. He cited as an example the current ordinance on the electronic message board, the ordinance which calls for councilmembers to be paid, the sidewalk ordinance, and the ordinance stipulating when a traffic study is required. George suggested that a committee review the ordinances. Alex suggested the Administration Committee.

Mayor

Tom S. stated that he would like to approach Youngwood Recreation Baseball and see if they thought that there would be enough interest in starting one or two New Stanton teams. Council agreed to allow him to proceed.

Administration

Alex said that the committee will begin to review the ordinances.

Public Works/MS4 & Parks

Tom T. reported that the repairs have been completed to the boom mower and it is back in operation.

Community Betterment

Discussed earlier in the meeting.

Workplace Safety Committee

Jeff reported that the committee attended the annual safety committee recertification webinar in July and will meet again in August.

Personnel

Alex said that the committee would be interviewing the code enforcement candidate.

Finance Report

Todd then reviewed the financial report: as of July 25, 2022, there was a checking balance of \$596,287.63; the total of all savings accounts was \$1,822,374.80 and the taxes remitted from July 1, 2022 through July 25, 2022 was \$9,368.72.

Public Comment

There was no public comment.

Announcements

Alex said that the second meeting for August has been advertised for the 16th but he does not envision needing to hold it so most likely the next meeting will be on September 6, 2022.

Adjournment

Tom T. made a motion seconded by Ray to adjourn the meeting at 8:04. There were no objections.

Respectfully submitted,

Jeffrey McLaughlin
Secretary