

The North Strabane Township Board of Supervisors held its Legislative Meeting, Tuesday, September 25, 2018, at 7:00 P.M., at the Township Municipal Building, 1929 Route 519, Canonsburg, Pennsylvania 15317.

ATTENDING THE MEETING

Robert Balogh, Chairman
Marcus Staley, Vice-Chairman
Bob Ross, Supervisor
Harold Close, Supervisor
Neil Kelly, Supervisor

ALSO ATTENDING THE MEETING

Andrew L. Walz, Manager-Secretary
Gary Sweat, Solicitor
Joe Sites, Engineer
Deanna Kelly, Stenographer

Mr. Balogh called the meeting to order followed by the Pledge of Allegiance and Roll Call.

Majestic Hills

Mr. Walz addressed the Board and the public with an update as to where we stand with the Majestic Hills situation. Today, we had a meeting with DEP, on site, in Majestic Hills. DEP has determined that JND Properties, the developer of Majestic Hills, is in violation of his NPDES permit. Mr. DeNardo is in violation of his NPDES permit for the entire development. DEP handed Joe DeNardo an order, ordering him to come up with remediation plans specifically for Bentwood Drive within the next 72 hours. I am recommending to the Board, if he is not compliant with that time frame to allow the Township to move forward with remediation that has been designed by Baker Engineering. Baker Engineering is the geotechnical engineer for NVR/Ryan Homes and it has been reviewed by the geotechnical engineer from Gateway Engineers. In addition, to that 72 hours' time frame, he will receive an order for the entire development. Mr. DeNardo is required to hire a geotechnical engineer and come up with a plan to remedy all situations including the restoration and the opening of Forest Lane Drive. I am also requesting of the Board, if he is not in compliant with a plan for the entire development by DEP's date of October 15, 2018, we the Township will be there the next day and start working.

**PUBLIC
COMMENTS**

Joe Rice, 4065 Bentwood Drive Canonsburg, PA 15317

I know the Board is considering changing the slope requirements in new developments. My friend in New York is dealing with the same issues and he sent me this. If you will bear with me I will read this to you.

When steep slopes are disturbed by removing vegetation and developing the hillside significant issues can rise. It often causes more problems than the benefits provide. It is important that the planning boards consider building on a slope above a 10 percent grade. Potential consequences may include increase erosion and landslides. It is more difficult to control fires on these slopes. All boards should consider the land when accepting developments.

Joe Jandrasits, 1012 Forest Lane Drive Canonsburg, PA 15317.

This is a question for Mr. Sweat, the two amendments that you are proposing are they going to be grandfathered in the existing subdivisions or is this for new subdivisions being constructed.

Mr. Sweat responded these are for new subdivisions moving forward.

Christine Swarek, 1024 Oakwood Drive Canonsburg, PA 15317.

Mr. Walz you said that Mr. DeNardo was put on notice about Forest Lane Drive, do you know when that will be?

Mr. Walz responded DEP told me it would be this week.

Mrs. Swarek questioned if it is the 15th and he doesn't comply, will you then on the 16th, take my house down?

Mr. Walz responded Ryan Homes has a quote for demolishing the three homes. The three homeowners will be notified before that takes place.

Joan Kness, 110 Victoria Drive Canonsburg, PA 15317.

I would like clarification on the vehicular access on 50 units or more. Will that be within the Township?

Mr. Sweat replied it is a public road and the developer has the right to access that road whether it is in the Township or not.

Eric Brinson, 1010 Forest Lane Drive Canonsburg, PA 15317.

On behalf of the residents in Majestic Hills we appreciate everything the Township is doing. Thank you.

Point of clarification, when you expressed that there will be an engineer hired to remedy all issues of the neighborhood are those identified by risk?

Mr. Walz replied the way it was described to me was DEP is making Mr. DeNardo hire a geotechnical engineer to study the entire plan.

Pete Castriota, 254 Greenwood Drive Canonsburg, PA 15317.

I have a question on the exit. When I look at the plan, Victoria Drive is a cul-de-sac. Why is Victoria Drive not being connected to Crawford? If we want to use the road we would have to go through the whole plan to access Crawford. Victoria Drive is in our plan. Why is he allowed to put a cul-de-sac there? It doesn't make sense to me.

Mr. Sweat replied we were dealt a hand with no cards, we have a plan that was deemed approved. We cannot go in and order any additional conditions.

Lori Lautar, 2044 Majestic Drive Canonsburg, PA 15317.

You mentioned about the water run-off and it needs to be connected to the stormwater system. Is that what JND Properties will cover for each homeowner? Or is the something each homeowner will need to cover?

Mr. Walz responded if it is part of the remediation plan he needs to cover the whole thing.

Marcus Macino, 4002 Bentwood Drive Canonsburg, PA 15317.

My home borders the easement access to the retention pond. My question is in that 72- hour window is the pond being corrected so it is in compliance?

Mr. Walz responded no. DEP is telling him he needs to have the hillside stabilized.

Fletcher Loder, 409 Imperial Drive Canonsburg, PA 15317.

I would like to piggy back off of Eric's question on whether there will be a mechanism to report concerns during that future litigation? I have a wetland on my hillside with cattails.

Mr. Walz replied yes.

Robert Amory, 2015 Majestic Drive Canonsburg, PA 15317.

I am two doors down from the house that was condemned. I purchased my home in November of 2017. There were issues but nothing was disclosed to me so I purchased the house. My biggest concern is to be able to resell

the house. I was offered a promotion and I had to turn it down because I could not sell my house. Will a letter be issued to me and my neighbors stating that the engineering of my home and property is guaranteed? There were no geo technical surveys done on my property. It only involved the first three homes.

Mr. Sweat replied it will be up to the DEP. The enforcement action is through the DEP. I am sure they are going to require geo technical studies, certifications, and inspections. We, as the Township, would be relying on those geo technical reports and certifications, as reviewed by our engineers. In terms of the Township giving you any type of certification guarantee, we can't do that, we rely on what our engineers tell us.

Mr. Amory, so your engineers would be, you are responsible for the development of the property and signing off initially, why wouldn't the engineers be responsible?

Mr. Sweat replied at that time the developer had a geo technical engineer and that was the requirement of the Township, at that time. Those geo technical reports were submitted. What needs to be ironed out is did that geo technical engineering firm oversee excavation, confirm as-builts and drainage. Baker Engineering looked for a major pipe that was supposed to be in that hillside and when they did their borings that pipe was not there. Was it installed initial, was it installed correctly, did someone remove it and hastening the slide that is occurring.

Mr. Amory questioned if JND falls through and he goes to jail, then you agreed to take on the remediation, is that the way I understand it?

Mr. Walz replied he will still be responsible. He is the active holder of the NPDES permit. They will still hold him accountable.

APPROVAL OF MINUTES

August 21, 2018 Non-Legislative Meeting

A motion was made by Mr. Kelly, seconded by Mr. Staley, to approve the minutes of August 21, 2018 Non-Legislative Meeting.

ROLL CALL OF VOTES: 5 YES 0 NO

August 28, 2018 Special Meeting – Liquor License Transfer

A motion was made by Mr. Staley, seconded by Mr. Ross, to approve the minutes of the August 28, 2018 Special Meeting – Public Hearing (Liquor license transfer).

ROLL CALL OF VOTES: 5 YES 0 NO

August 28, 2018 Legislative Meeting

A motion was made by Mr. Kelly, seconded by Mr. Staley, to approve the minutes of the August 28, 2018 Legislative Meeting.

ROLL CALL OF VOTES: 5 YES 0 NO

September 18, 2018 Non-Legislative Meeting

Minutes have been tabled due to unavailability.

SOLICITOR'S REPORT

Solicitor Gary Sweat gave the following report:

Just a few matters on Majestic Hills, as Mr. Walz has indicated the Township is going to proceed with the demolition of the three homes that are condemned. Mr. Walz and I will make every effort to schedule a meeting with the property owners and their council to give them notice to remove any special effects. I consider this to be an emergency based upon the weekly reports we are receiving, that these homes are continuing to slide. I have prepared an Emergency Declaration Resolution that will authorize the Chairman and the Township Manager to declare a specific event an emergency and invoke the powers the Township has under Pennsylvania Emergency Management Services Code. This allows the Manager to call out the emergency response departments and to hire

contractors without retaining bids. I do have the resolution for the Boards consideration.

I have made changes to the Developer's Agreement with the direction from Mr. Sites, Mr. Walz, and Mrs. Householder.

I am also drafting a Stormwater Operations Maintenance Agreement.

I prepared a resolution for the Township to enter into a 100-year lease with the North Strabane Volunteer Fire Department for property located at 2550 Washington Road.

**ENGINEER'S
REPORT**

Engineer Joe Sites gave the following report:

On Sunday, there was a slide at 228 Coachside Drive. We had our geo technical engineer look at the slide. He is in the process of filing a report on his preliminary findings. I will discuss this with the Manager about preceding with a full geotechnical investigation. The Municipal Authority was on site to video the sewer line and that is inconclusive at this time. They did have someone out there yesterday to make an emergency connection from the house to the main line.

I received a letter from Sheetz regarding the dive in access. They are asking for conditional final approval if they eliminate the proposed dive in on Meadows Drive.

Paving was to be completed on Industry Drive and Linnwood Road that was delayed due to the rain.

**MANAGER'S
REPORT**

Manager Andrew Walz gave the following report:

You have a memo from myself detailing the municipal funding obligation for the Police pension plan for year 2019.

The Board authorized me to engage a third party engineer to assist us in a new grading plan. I am recommending Mike Myers from RVE.

The Board and Mr. Myers had a brief discussion on the grading plan.

**UNFINISHED
BUSINESS**

None.

NEW BUSINESS

Resolution

A motion was made by Mr. Staley, seconded by Mr. Kelly, to add item T. A Resolution to declare and state of emergency due to multiple landslides and excessive flooding.

ROLL CALL OF VOTES: 5 YES 0 NO

Sheetz Convenience
Store

A motion was made by Mr. Staley, seconded by Mr. Ross, to approve the preliminary site plan approval for a 5,998 sq. ft. Sheetz Convenience Store on a 1.78 acre parcel on Racetrack Road in a C-2 Zoning District with the condition of the removal of the dive in.

ROLL CALL OF VOTES: 5 YES 0 NO

Legacy Park, Phase 1

A motion was made by Mr. Kelly, seconded by Mr. Ross, to approve an amended subdivision to Legacy Park Phase 1 creating sub-lots for construction on lots 1 through 10 in the Legacy Park Plan of lots in C-1 Zoning District.

ROLL CALL OF VOTES: 4 YES 1 NO – Mr. Close

Ordinance No. 378

A motion was made by Mr. Close, seconded by Mr. Ross, to advertise Ordinance No. 378. This ordinance would amend the Subdivision and Land Development Ordinance by requiring two permanent vehicular access points to any residential development of fifty (50) units or more.

ROLL CALL OF VOTES: 5 YES 0 NO

Resolution 2018-10 A motion was made by Mr. Kelly, seconded by Mr. Close, to approve Resolution No. 2018-10. This resolution allows for reimbursement of land acquisition costs from future 2018 borrowing.

ROLL CALL OF VOTES: 5 YES 0 NO

Resolution 2018-11 A motion was made by Mr. Close, seconded by Mr. Kelly, to approve Resolution No. 2018-11. This resolution authorizes the Township Manager to sign Washington County Sobriety Check Point and Expanded DUI Enforcement Project Grant.

ROLL CALL OF VOTES: 5 YES 0 NO

Resolution 2018-12 A motion was made by Mr. Kelly, seconded by Mr. Ross, to approve Resolution No. 2018-12. This resolution waives member contributions to the Police Pension Plan for calendar year 2019.

ROLL CALL OF VOTES: 5 YES 0 NO

Resolution 2018-13 A motion was made by Mr. Close, seconded by Mr. Kelly, to approve Resolution No. 2018-13. This resolution permits entering into a 100-year lease with the North Strabane Township Volunteer Fire Department for the property located at 2550 Washington Road, Canonsburg, PA 15317, once the bounce house is removed.

ROLL CALL OF VOTES: 5 YES 0 NO

Ordinance 380 A motion was made by Mr. Kelly, seconded by Mr. Ross, to advertise Ordinance 380. This ordinance authorizes the incurrance of nonelectoral debt by the issuance of general obligation bonds in an aggregate principal amount not to exceed sixteen million dollars, and directing certain other actions to be taken by the Township and its officers.

ROLL CALL OF VOTES: 5 YES 0 NO

Stewart Contracting A motion was made by Mr. Kelly, seconded by Mr. Ross, to approve authorizing payment of invoice number 2567, in the amount of \$52,600 for excavation, wall construction, and road grading, to Stewart Contracting for the Ross Road project.

ROLL CALL OF VOTES: 5 YES 0 NO

Stewart Contracting A motion was made by Mr. Kelly, seconded by Mr. Ross, to approve authorizing payment of invoice number 2568, in the amount of \$13,550 for drain installation, geogrid installation and poured footer, to Stewart Contracting for the Ross Road project.

ROLL CALL OF VOTES: 5 YES 0 NO

FEMA SAFER Grant A motion was made by Mr. Close, seconded by Mr. Ross, to approve authorizing the Manager to accept the FEMA SAFER Grant in the amount \$446,677 for NSTFD staffing.

ROLL CALL OF VOTES: 5 YES 0 NO

2018 Road Maintenance Program A motion was made by Mr. Kelly, seconded by Mr. Ross, to approve authorizing payment No. 1 to El Grande Industries in the amount of \$506,690.14 for work completed on the 2018 Pavement Maintenance Program.

ROLL CALL OF VOTES: 5 YES 0 NO

2008 Ford F-550 Dump Truck A motion was made by Mr. Close, seconded by Mr. Ross, to award the 2008 Ford F-550 Dump Truck to the highest bidder, Scott Bier, in the amount of \$10,350.

ROLL CALL OF VOTES: 5 YES 0 NO

2006 Ford F-350 XLT Dually Truck A motion was made by Mr. Close, seconded by Mr. Kelly, to award the 2006 Ford F-350 XLT Dually Truck to the highest bidder, Jim Richmond, in the amount of \$23,850.

ROLL CALL OF VOTES: 5 YES 0 NO

2008 Ford Truck Explorer XLT A motion was made by Mr. Ross, seconded by Mr. Kelly, to award the 2008 Ford Explorer XLT to the highest bidder, Nichalos Gardner, in the amount of \$703.

ROLL CALL OF VOTES: 5 YES 0 NO

Police Hiring Eligibility List A motion was made by Mr. Staley, seconded by Mr. Ross, to approve certification of the police hiring eligibility list as recommended by the Chief of Police.

ROLL CALL OF VOTES: 5 YES 0 NO

Full-Time Police Officer A motion was made by Mr. Kelly, seconded by Mr. Staley, to table hiring a full time police officer.

ROLL CALL OF VOTES: 5 YES 0 NO

2019 Budget Meeting A motion was made by Mr. Close, seconded by Mr. Ross, to approve the scheduling a 2019 Budget Meeting for October 18, 2018 at 6:00 PM.

ROLL CALL OF VOTES: 5 YES 0 NO

Building Construction Project A motion was made by Mr. Kelly, seconded by Mr. Close, to approve authorizing the Manager to prepare and advertise an RFP for a Building Construction Project Manager pending approval of the Building Committee.

ROLL CALL OF VOTES: 5 YES 0 NO

Resolution 2018-14 A motion was made by Mr. Close, seconded by Mr. Staley, to approve Resolution 2018-14. The resolution is a declaration by the Board of Supervisors of North Strabane Township, Washington County, Pennsylvania authorizing the declaration of a disaster and/or Emergency within the Township pursuant to the Provisions of Section 7501 of the Pennsylvania Emergency Management Code, 35 C.S.A. subsection 7101.

ROLL CALL OF VOTES: 5 YES 0 NO

CORRESPONDENCE We received a reminder on October 4, 2018, will be the Washington County Convention for Township Supervisors. It will be held at the Double Tree from 5:00 P.M. to 9:00 P.M.
You received an email, we were invited by Betsy the President of the Washington County Community Foundation to tour the Old Brownlee House.

SEPTEMBER 2018 BILL LIST A motion was made by Mr. Close, seconded by Mr. Kelly, to approve the September 2018 Bill List.

ROLL CALL OF VOTES: 5 YES 0 NO

**PUBLIC
COMMENTS**

Brian Spicer, 234 Hunting Creek Road Canonsburg, PA 15317.

Just a point of clarification Mr. Chairman, Mr. Walz had asked for approval by the Board for legal authority to declare a state of emergency. Did you receive approval.

Mr. Walz, yes.

Joseph Jandrasits, 1012 Forest Lane Drive Canonsburg, PA 15317.

You have an opportunity to make sure that the subdivisions that are being constructed are the best for our people. You want to draw people into this Township and they want to live here. So it's your responsibility to ensure that the developers, develop proper subdivisions. Ingress and egress are important, two ways out for safety reasons.

The other issue is stormsewers. We are constructing this houses on postage stamp lots. The water has to go somewhere. The proper channeling of the water is important.

Eric Brinson, 1010 Forest lane Drive Canonsburg, PA 15317.

The property adjacent to the model home that Joe Denardo still owns and intends for development. As the neighboring property, I would implore the Board not to approve any further construction on that property until the issues at hand are completed.

Mr. Walz responded there is one thing I did not mention the DEP order prohibits him from obtaining any building permits for southwestern Pennsylvania.

**REMARKS FROM
SUPERVISORS**

None.

**EXECUTIVE
SESSION**

The Board convened to executive session to discuss a personnel matter at 8:17 P.M.

The Board reconvened from executive session at 8:26 P.M.

ADJOURNMENT

A motion was made by Mr. Close, seconded by Mr. Staley, to adjourn the meeting at 8:27 P.M.

ROLL CALL OF VOTES: 5 YES 0 NO

Robert F. Balogh, Chairman

Andrew L. Walz, Manager-Secretary