

**Canton Township Board of Supervisors
Meeting Minutes
January 10,2019**

Meeting called to order at 6:30 PM by Chairman John Sheppard.

Roll Call: Present- Chairman John Sheppard, Vice Chairman Tom Bodnovich, Supervisor Butch Main, and Dennis Makel. Also, in attendance, Township Manager Stephanie Pettit, Code Enforcement Officer Chris Hammett, and Administrative Assistant Christy Moore.

Pledge of Allegiance.

Public Participation:

GG&C would like to hang a hiring sign on the fence at the Wolfdale Park.

Carol Russell: GG&C bus company present. Request denied.

Mike Kopko: of Malone Ridge Rd. asks that Canton Township to file injunction according to law against Range Resources/Mark West for violations.

Motion: to authorize Solicitor Dennis Makel to contact Brandley Dornish and The DEP concerning the current status of activity involving Kopko/Mark West/Range Resources and provide the township with legal opinion as to the appropriate action to be taken by the township.

Motion made by- Mr. Tom Bodnovich

Second by- Mr. Butch Main

Vote: Sheppard-yes, Bodnovich-yes, Main-yes, Motion Carried.

Engineers Report: is attached.

Motion: to authorize Harshman CE Group to begin the project involving Weirich/Log Pile Run.

Motion Made by- Mr. Tom Bodnovich

Second by- Mr. Butch Main

Vote: Sheppard-yes, Bodnovich-yes, Main-yes, Motion Carried.

Running Brooke Denial:

Harshman- Summary- Our last comment letter was 11-02-2018, I believe is the date, on that we have not received formal response to any subdivision comments, since then the board has granted an extension of the time lines. That is expiring this weekend, I think.

Furman- We have, to vote tonight.

Harshman- The applicant did not show up to the planning committee meeting tonight, Planning committee recommended a denial motion on that basis, in fact they have not addressed the comments, we have not seen anything of substance in last 2 months to speak to major comments I believe the solicitor should way on how the denial should be crafted but probably appropriate.

Makel- Mr. Harshman you did submit a letter dated 11-2-2018 to Running Brooke correct.

Harshman- Correct I believe they received it at the township meeting as well as thru the township.

Makel- So you submitted to a township meeting, approximately a five page, letter, sets forth certain conditions need to be meet or addressed, since 11-2/ 11-4 has there been any response to letter dated 11/2/2018?

Harshman- We have not received a response to these comments.

Makel- You say response your talking about or mean written or verbal or both?

Harshman- Both

Makel- So no one at all has contacted you concerning any of the requirements requested?

Harshman- We did see with respect to road construction plans Stahl/Sheffer turn in an updated set of road construction plans, which were reviewed separately they have addressed all the construction elements we commented on the road construction plan with the exception of major topic such as storm water management, NPDES permit for property does not match the new construction plans for roadway they have not made provisions for any facilities and those plans are not consistent with the subdivision plan for those same reasons, that we have been tracking those separately from the subdivision plan itself until they would be consistent with one another at this point they are not consistent with one another the subdivision plan has not been revised or resubmitted to us since before this November comment letter.

Makel- Has Stahl/Sheffer or any engineer on behalf of Running Brooke submitted to you any type of documentation concerning the HOP modification as requested by Penndot?

Harshman- Not to me, but our engineer Bryan Lowe was involved but he is not here tonight but may have seen an email that came thru nothing of substance that would have made it back to affect our comment letter on subdivision.

Makel- And are you aware basically that PennDOT doesn't require the township to own any type of road going into the property owned by Running Brooke Known as the Brockway Glass Plant?

Harshman- Yes.

Makel- Now part of your letter of 11-2-18 you mention a number, of different issues but on last page, page 5 of 5 you put out 4 different features that need to be addressed you want to pull those out for me and advise the board about that?

Harshman- Page 5 of review letter as Mr. Makel mentioned I tried to summarize or give 4 major topics that we feel are not resolved to the point the subdivision plan would be ready for approval, the first is stormwater management complying with township ordinances has not yet been submitted, we reasonably expect this plan will require a detention system to control developed run off from road no common areas or easement areas has been defined or considered on currently submitted plan which would typically be required for stormwater management system that's important because they are proposing a new roadway extension pavement it will need stormwater management and there is nothing showing on subdivision plan as well and this is a requirement ordinance that a stormwater management plan be submitted. They had provided a stormwater management plan awhile ago and it doesn't match subdivision plan we have in front of us, we asked them to revise that to bring everything current to match subdivision plan that has not happened which gives me the limited confidence that the lines drawn on the plan will actually be accurate to create proper parcels. Second we understand the township liability concerns with respect to a public road passing under an interstate overhead have not yet been resolved to the satisfaction of the board of supervisors and the solicitor there was extensive discussion at last planning committee meeting which was 2 months ago and applicant was made aware that townships not going to be able to take over that roadway as a public roadway because of liability concerns regarding interstate overhead as well as guidance given to us by our insurance carrier, and sorry, the township insurance carrier I should say. The applicant was directed to provide some kind of response as to how the township would digest their response and my understanding is we have received nothing on that topic and that is a major liability concern that has of yet unresolved, which I believe leaves plan not in order to approve by the board, third PennDOT HOP for intersection has not been secured without PennDOT

approval of intersection we have limited confidence the lines proposed on subdivision plan will in fact be the final and acceptable scenario, that's critical because without that actual driveway permit if the road has to shift up or down or alignment has to change or whatever then subdivision is not correct and not appropriate and there are other issues at this time that we are aware of at this point in time related to that HOP not mentioned in letter, have come to light since that time of the HOP, I believe is significant. Four, the deed restrictions areas with respect to historical environmental containment have not been identified on subdivision plan. We have asked for that from day one, and they have never been shown on plans whenever that has come to light the plan has been in front of the board several times while they been working on these comments. They have never ever shown that area on plans, that is critically you would not want see a subdivision plan recorded that has a deed restriction on it a piece of property without identifying that area on the plan, these may affect the area suitable for the location for a public roadway, therefore result in required revision to the lines proposed to the subdivision plan for township consideration. Now those are the 4 I summarized, I also want to point out on page 3 of review letter comment #6, because this speaks to their control or lack thereof, the property they're asking for a subdivision on, according to direction from the township solicitor in order to properly establish the proposed property lines and rights of way as shown on the subdivision plan the township will need to consider a resolution of no interest and subdivide will need to obtain a quiet title to the portions of unopened streets of 1st Alley and Ellis Ave., to be taken by proposed new road now that was made very clear to the applicant at the last planning committee meeting they attended as well, they acknowledged that made sense they understood they would be pursuing it to my knowledge neither the township or office of solicitor has received any movement on that, that is significant because they do not have 100% control of land they're proposing to subdivide in other words there are other properties that thru the lands thereof showing subdivision upon and without permission from those property owners. They do not have complete standing to make the application so I believe that is critical as well as for those points and the fact the applicants not even being here to help us thru these, I don't think the board has any way to proceed with it at this time.

Makel- So at this stage proceeding it appears there are too many issues that are unresolved, based upon them being unresolved as you set forth in your letter 11/2 which states today, you're saying you're recommending that the township not approve the subdivision of Running Brooke?

Harshman- That's correct my recommendation is it's not suitable for approval at this time.

Makel- Mr. Furman you work in the solicitor's office correct?

Furman- Yes

Makel- And you've been involved in these proceedings for a period of time?

Furman- Yes

Makel- Have you done research in the law regarding this?

Furman- Yes

Makel- What does your research show?

Furman- Section 508 of MPC regardless of what's in the township subdivision land use ordinance requires the board to take action on the subdivision application within 90 days of it being submitted unless the applicant provides a written extension of time for the board to act in this case the application was submitted on 9/12/18, 90 days and the board had to take action by 12/11/18 if action is not taken the application is deemed approved, the applicant did provide us with a written extension of 30 days on to the 90 days which brings us to today 01/10/2019 that is 120 days from 09/12/2018 including their extension with the plan not being revised the questions asked the planning committee were not answered since then the issue of the road being public verses private which the applicant was made abundantly aware of at the last planning committee none of those issues being resolved if the board does not take action on this matter tonight it will be deemed approved as is, therefor in order to avoid having deemed approved inadequate plan that does not address questions submitted by the committee or this board it's my recommendation that the board deny the application in the preliminary and or final stage whichever stage it is in right now.

Makel- So the supervisors have heard testimony and statements from the township engineer and the township solicitor's office concerning the recommendations so at this stage of the proceedings is there a -

Motion: to deny the application for Running Brooke 2 Associates LP as agents of Kencon Service Inc., in pursuant to Subdivision Plan Subdivision 2 application premis upon recommendation of township engineer providing that the applicant has failed to supply the necessary documentation information as requested by the township engineer in it's letter dated 11/02/2018 and based upon the advice of the township solicitor prevailed to comply with request of township engineer to make plan suitable for adoption. Also, based upon recommendation of the township planning committee that was held earlier today deny the same.

Motion made by- Mr. Tom Bodnovich

Second by- Mr. Butch Main

Vote: Sheppard-yes, Bodnovich-yes, Main-yes, Motion Carried.

Motion: to authorize the township solicitor to send a letter to applicant Running Brooke 2 Associates LP as agents for Kencon etc., for failure to comply with the township engineer's requirements and township solicitor's recommendations.

Motion made by- Mr. Tom Bodnovich

Second by- Mr. Butch Main

Vote: Sheppard-yes, Bodnovich-yes, Main-yes, Motion Carried.

Motion: to authorize the township solicitor to send a letter to Penndot District 12, advising Penndot that it is withdrawing its application for the Highway Occupancy Permit based upon the fact the township will not be taking over any road entering the property known as Brockway Glass Plant.

Motion made by- Mr. Tom Bodnovich

Second by- Mr. Butch Main

Vote: Sheppard-yes, Bodnovich-yes, Main-yes, Motion Carried.

Motion: to authorize the township solicitor to provide a written correspondence to Stahl/Sheaffer, that it is no longer to pursue any actions on behalf of Canton Township as it applies to the roadway entering the property of commonly known as the Brockway Glass Plant, and provide any and all documentation involving the Highway Occupancy Permit request to township within ten (10) days of said letter.

Motion made by- Mr. Tom Bodnovich

Second by- Mr. Butch Main

Vote: Sheppard-yes, Bodnovich-yes, Main-yes, Motion Carried.

Motion: to authorize the township solicitor to prepare appeal on the denial of the Redevelopment Authority of the townships right to know request, for any and all correspondence, documentation, etc. That the Redevelopment Authority has involving the Running Brooke Project.

Motion Made by- Mr. Tom Bodnovich

Second by- Mr. Butch Main

Vote: Sheppard-yes, Bodnovich-yes, Main-yes, Motion Carried.

Parks and Recreation Report: Given by Donna Sheppard, working on calendar for year 2019.

Discussion and Motion: to approve the meeting minutes from the regular meeting on December 13, 2018.

Motion made by- Mr. Tom Bodnovich

Second by- Mr. Butch Main

Vote: Sheppard-yes, Bodnovich-yes, Main-yes, Motion Carried.

Motion to: pay the bills found true and correct and payroll 1 and 2.

-Public Works: \$ 450.50

-General Fund: \$ 25,391.69

-State Fund: \$ 8720.30

-Impact Fee: \$ 1435.38

-Payroll: \$ 57240.07

-Municipal Shares: \$ 0.00

-General Escrow: \$ 0.00

-Donation: \$ 0.00

Total: \$ 93,237.94

Motion made by- Mr. Tom Bodnovich

Second by- Mr. Jack Sheppard

Vote: Sheppard-yes, Bodnovich-yes, Main-yes, except payroll,abstain, Motion Carried.

Discussion and Motion: to approve the release of Welded Construction Escrow.

Motion made by- Mr. Tom Bodnovich

Second by- Mr. Butch Main

Vote: Sheppard-yes, Bodnovich-yes, Main-yes, Motion Carried.

Discussion and Motion: to approve to advertise Ordinance 2 of 2019 amending Ordinance 2 of 2018 establishing a volunteer service credit program due to a typographical error.

Motion made by- Mr. Tom Bodnovich

Second by- Mr. Butch Main

Vote: Sheppard-yes, Bodnovich-yes, Main-yes, Motion Carried.

Discussion and Motion: to approve Ordinance 1 of 2019 consolidation, revising, amending and repealing certain Ordinances due to the Codification Process.

Motion made by – Mr. Butch Main

Second by- Mr. Jack Sheppard

Vote: Sheppard=yes, Bodnovich=yes, Main=yes, Motion Carried.

Discussion and Motion: to approve Ordinance 10 of 2018 setting forth its authority to establish an airport district overlay.

Motion made by- Mr. Tom Bodnovich

Second by- Mr. Butch Main

Vote: Sheppard- yes, Bodnovich=yes, Main=yes, Motion Carried.

Discussion and Motion: to approve the increase of \$ 1.50 per hour for Christy Moore effective February 1st, 2019 and to change her job description to Assistant Secretary/Treasurer for the 2019 year.

Motion made by- Mr. Tom Bodnovich

Second by- Mr. Butch Main

Vote: Sheppard=yes, Bodnovich=yes, Main=yes, Motion Carried.

Discussion and Motion: to approve the increase to \$4,510.00 a month for Chris Hammett effective February 1st, 2019 for the 2019 year.

Motion Made by- Mr. Tom Bodnovich

Second by- Mr. Butch Main

Vote: Sheppard=yes, Bodnovich=yes, Main=yes, Motion Carried.

Solicitors Report:

New Business: to terminate the position of General Administrative Assistant.

Motion made by- Mr. Tom Bodnovich

Second by- Mr. Jack Sheppard

Vote: Sheppard=yes, Bodnovich=yes, Main=yes, Motion Carried.

Old Business:

-ATI Property- Play ground is complete before it can be open to public the padding and mulch must be installed.

-844 I and I- waiting for information from Robinson Pipe about the grouting.

Motion: to adjourn the meeting at 7:34 PM.

Motion made by- Mr. Tom Bodnovich

Second by- Mr. Jack Sheppard

Vote: Sheppard-yes, Bondovich-yes, Main-yes, Motion Carried.



Canton Township
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Washington, PA 15301
T: 724-503-4125
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Township Engineer's Report
January 10, 2019

1. Airport Road Bridge – Inspection and initial evaluation completed. Recommend closure at this time. Awaiting coordination of the intermunicipal cost share agreement.
2. McClay Rd Bridge – Inspected and recommended 3-Ton weight restriction until superstructure replacement can be scheduled. Road Dept has posted.
3. MS4 Project for 2019/2020 – Recommend initial schematic design and securing property permissions for Logpile Run Restoration Project. Potential cooperation is happening by the property owners near Weirich Ave crossing. Would like to secure property access and prepare schematic design to target grant funding options of 2019. Possible 2020 construction?
4. ATI Property – New Township Rec Center & Park, Jefferson Avenue
 - a. Fencing – Complete. Awaiting contractor closeout paperwork.
 - b. Master Plan – Updates in progress as per Twp review comments. Updated draft provided for Twp review and feedback.
 - c. New Rec Center Bldg – Preliminary concept developed. Draft preliminary construction plans provided for Twp review and feedback.
5. Rt 844 I&I LSA Project – 2018 LSA application submitted and presentation given 12/3. Awaiting results. WEWJA has provided progress reports of grouting.
6. Brockway Glass HOP for New Road – Nothing new. Stahl Sheaffer has addressed all of our roadway design comments except for major topics such as stormwater management, NPDES updates, ADA facilities, and other comments mentioned in the subdivision reviews.
7. Running Brooke Subdivision No. 2 – Nothing new. Awaiting applicant's response to Township review comments and discussions of November planning meeting. Nothing new.
8. PA American Water ReChlorination Tank – Nothing new. HCEG is completing site inspections on an as needed basis.
9. Weirich Ave PennDOT Drainage – Nothing new. We are awaiting plan info from previous PennDOT discussion. Once we receive them we will prepare the necessary plans and file the HOP application through EPS.

CC: File 14.043