

**Kittanning, Pennsylvania
November 26, 2019**

The Board of Supervisors of East Franklin Township met in the Municipal Building at 6:00 p.m. for a regular meeting.

Call to Order and Pledge of Allegiance

Present: Barry Peters, Chairman
Dan Goldinger, Vice Chairman
David Stewart, Supervisor
Debra Cornman, Secretary/Treasurer
Greg McKelvey, Zoning Officer

PUBLIC COMMENT:

Tim Medice – I will wait until the end.

Kevin Kilgore – I will wait.

Adam Zinsser, Attorney for Bill and Lucretia Pardini – The Township has on the agenda tonight Ordinance No. 01-2019 a zoning ordinance amendment increasing the size of a retail store in a village from 5,000 square feet to 10,000 square feet. We believe this is not the intent of a village zoning district. I have mentioned previously, several planning commission minutes in which we believe the purposed zoning ordinance amendment is for the benefit of the sale of a property owned by Chris Remaley to Dollar General.

Planning Commission Minutes:

May 28, 2019 – Chris Remaley reported that he has received a contract for his Pence Road property for potential development of a Dollar General store. The subject is still in negotiation stage and he asks for confidentiality from the Commission. Should the property within the Village be secured it would appear the Commission is going to have to initiate a modification of its permitted use language to permit a retail store over 5,000 square feet. Dollar General has proposed a 9,000 sq. ft. building.

June 24, 2019 – Chris Remaley reports he has signed a contract with developers to potentially site a Dollar General store at his property in Cowansville. This site would also require the acquisition of a small part of the Dluback owned property contiguous to Chris' property. Commission discussed related subject matters regarding zoning, sewage and Penn Dot access that would have to be part of any project. I would appear, at the least, a modification will need to be made in the Zoning Ordinance pertaining to a retail store in a Village designation. Currently a retail store is limited to 5,000 square feet and a Dollar General store will require more than that amount. Greg McKelvey will proactively pursue a discussion with Tyler Heller, Township Solicitor, on the overall subject and see how we might best proceed.

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PUBLIC COMMENT (Continued):

Adam Zinsser, Attorney for Bill and Lucretia Pardini (continued):

June 24, 2019 (continued) – At this point due to his personal involvement, C. Remaley turned the meeting over to Doug Flanders, Vice Chairman. Upon Flander's assuming chairmanship of the meeting, T. Medice made a motion to remove "less than 5,000 square feet" from a retail store in a Village District designation of Permitted Uses (Table 4-9). D. Waugaman seconded the motion and it was approved with C. Remaley abstaining.

It is clear that Mr. Remaleys' contract with Dollar General for the sale of his property is the sole purpose behind this amendment. The Pardini's would like for me to convey to the Township Supervisors the sole purpose of this zoning ordinance is to protect all property owners in the district. An amendment should not be made to the ordinance simply to accommodate one citizen of the Township. The Pardini's have also requested information regarding the State Ethics Act. We respectfully request the Supervisors deny the amendment to the zoning ordinance to preserve the village history for all of its citizens.

Barry Peters, Chairman - Presented a time line from Holly Lefever, Real Estate Manager from PennTex Ventures that pertains to Dollar General. At the end of 2018 Dollar General said to look into the Cowansville Market to find a new store. January 16, 2019 - They met with Greg McKelvey, Zoning Officer to see what has permitted in a Village/Commercial District. Greg suggested we look into the Kilgore property on East Brady Road. The Kilgore property however was located in a residential zoning district which does not permit any kind of retail of any size. Looked into the Hendrickson property and they were not interested in selling. Looked into the Grille Haus property, the topography was to challenging. March 27, 2019 - Identified the Remaley property and made contact with the seller. Had some interests in selling. April 16, 2019 - Seller contacted the Dollar General and submitted an asking price. (Note: Some of the recording of Mr. Peters was unintelligible)

Kevin Kilgore – I talked to Holly Lefever. She looked at my property and like it because there was no neighbors. No contract was signed. She called me back and said it was located in a residential zone and needed to be commercial. I called Greg McKelvey and was told that would not be a problem if they are interested. Talked to her and she said there was a problem with the site distance onto State Route 268. I then heard it was being located somewhere else.

Joel Boguslawski, Vice President of the West Hills Emergency Services – Gave an update on the fire company merger between East Franklin and Applewold. Finalization of the Applewold Borough and East Franklin relief accounts took place this week. After processed, final docket of recognition of the merge departments will be generated. That will complete the merger with the state fire commissioner. An update was given on state and federal grants.

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PUBLIC COMMENT (Continued):

Richard Craft and Ronald Olsen from Olsen Craft Associates, LLC. – Presented information on Municipal Separate Storm Sewer System (MS4) Update. (Handout on file) The purpose of the (MS4) is to help reduce contaminates in the water ways.

APPROVALS:

MINUTES:

Motion made by David Stewart and seconded by Dan Goldinger to approve minutes for October 31, 2019, regular meeting. Motion approved unanimously.

APPROVE BILLS AND INVOICES:

Motion made by Barry Peters and seconded by Dan Goldinger to approve paying all bills and invoices for November 1 through November 26, 2019. Motion approved unanimously.

POLICE REPORT:

Total reportable calls – 64

Motion made by Barry Peters and seconded by Dan Goldinger to approve the Police Report for November 1 through November 26, 2019. Motion approved unanimously.

Motion made by David Stewart and seconded by Dan Goldinger to approve the 911/police emergency radio for East Franklin Township Police in the total amount \$3,210.20. (This is a 25% discount with trade). Motion approved unanimously.

ROAD MASTER REPORT:

See Attached:

Motion made by Barry Peters and seconded by Dan Goldinger to approve the Road Master Report for November 1 through November 26, 2019. Motion approved unanimously.

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APPROVALS (Continued):

ZONING OFFICER REPORT:

Motion made by Barry Peters and seconded by David Stewart to approve subdivision for Larry and Jennie Montebell, 1038 Glade Run Road, Kittanning named Montebell Plan #3. Motion approved unanimously.

See Attached:

Motion made by David Stewart and seconded by Dan Goldinger to approve Zoning Officer Report for November 1 through November 26, 2019. Motion approved unanimously.

SEWAGE REPORT:

See Attached:

Motion made by Barry Peters and seconded by Dan Goldinger to approve the Sewage Report for November 1 through November 26, 2019. Motion approved unanimously.

BUDGET:

Motion made by David Stewart and seconded by Dan Goldinger to approve the tentative budget for the year 2020 (all funds), with a decrease in real estate tax from 6 mills to 5.75 mills. Sewage Operating Fund – With no increase sewage rates for Adrian, Cowansville, Tarrtown and Fox Hollow. Motion approved unanimously.

ORDINANCE:

Motion made by David Stewart to not adopt Ordinance No. 01-2019.

Discuss was held on Ordinance No. 01-2019 – Zoning Ordinance Amendment – An ordinance increasing the differentiation and restriction on the maximum size of retail stores in those zoning districts where retail stores constitute a permitted use from 5,000 square feet to 10,000 square feet.

Township Solicitor Tyler Heller – Defined the differences between a zoning change/variance and the duties of the Zoning Hearing Board.

Tim Medice, Planning Commission – The Planning Commission recommends the Ordinance No. 01-2019 be adopted.

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ORDINANCE (Continued):

Motion made by David Stewart and seconded by Dan Goldinger to not adopt Ordinance No. 01-2019. Roll Call: Barry Peters – No, Dan Goldinger – Yes, and David Stewart – Yes.

ADJOURNMENT:

Motion made by Dan Goldinger and seconded by Barry Peters to adjourn meeting at 6:55 p.m. Motion approved unanimously.

Debra L. Cornman, Secretary/Treasurer