

TOWN OF McCANDLESS  
MINUTES - COUNCIL'S REGULAR BUSINESS MEETING  
JANUARY 25, 2016

CALL TO ORDER

The meeting was called to order at 7:34 p.m. by President Aufman, with the following in attendance: Council Members Zachary, Mertz, Powers, Walkauskas, LeDonne and McKim; Also present, Town Attorney Ries, Town Manager Cordek, Assistant Town Manager Ebner, Police Chief Anderson, Zoning Officer Betty, Public Works Superintendent Sabina, Marie Haller, Administrative Assistant and citizens as per the sign-in sheet.

INVOCATION

The invocation was given by Councilman McKim and was followed by the Pledge of Allegiance.

PUBLIC HEARING  
PROPOSED AMENDMENT TO "PLANNING AND ZONING CODE"  
C-2 NEIGHBORHOOD SHOPPING DISTRICT

A public hearing was called to order on an ordinance proposing to amend the Town of McCandless "Planning and Zoning Code" to permit restaurants in the Town's C-2 Neighborhood Shopping District under certain standards and criteria as per the request of Dillon McCandless King Coulter & Graham, LLC on behalf of Viola Food Stores, Inc.

Zoning Officer Betty provided an overview of the proposed amendment and stated the public hearing has been advertised in accordance with the Town regulations and State Law. He also noted the proposed changes have been reviewed and recommended for approval by the Town of McCandless Planning Commission.

Mr. Betty introduced Attorney Tim Bish of Dillon McCandless King Coulter & Graham, LLC, representing Viola Food Stores, Inc. Mr. Bish explained the primary purpose of this proposed amendment is to bring Viola Foods Stores in compliance with the Town of McCandless Zoning codes. He noted lenders and financial institutions are increasingly aware property development must be considered a conforming/permitted use in municipal zoning districts. He remarked that restaurants are more and more often considered to be anchor points in shopping centers and for this reason the owners of Viola's Food Stores would like to consider leasing space to a breakfast/lunch restaurant in the Duncan Manor Shopping Plaza. Mr. Bish acknowledged and reviewed the standards and criteria included in this ordinance which states restaurants may only be located on a lot that is at least 5 contiguous acres in lot area, a parking study shall be performed by a professional traffic engineer at the expense of the applicant and restaurants shall not include a drive-thru.

Dave Martin, 10585 Grubbs Road, asked if there are currently vacant storefronts at the Duncan Manor Shopping plaza, if there are plans to combine some of these spaces or whether there are plans to build a new restaurant in addition to the existing plaza. Attorney Bish responded that the plans being considered will utilize existing space; however, he also clarified this ordinance does not

preclude building. He commented the space is very limited on this site and any future plans would have to be carefully considered and be in full compliance with current zoning regulations.

Councilman LeDonne asked Mr. Bish if plans include an application for a liquor license. Attorney Bish stated that this information is unknown, but confirmed that his clients would likely want this to be available.

Councilman McKim asked if the seating capacity for a proposed restaurant has been determined. Mr. Bish stated this information is also unknown to him at this time.

Motion was made by Councilman LeDonne and seconded by Councilman McKim to close the public hearing. This public hearing will be reviewed at the Council's Finance Committee Meeting on February 8, 2016 and a vote will be taken at Council's Regular Business Meeting on February 22, 2016.

#### MINUTES APPROVED

Motion was made by Councilman LeDonne and seconded by Councilman McKim to approve Council's Regular Business Meeting Minutes of December 21, 2015 and Council's Organizational Meeting Minutes of January 4, 2016, as submitted to each member of Council.

Motion was passed unanimously.

#### BILLS APPROVED

Motion was made by Councilwoman Powers and seconded by Councilman Walkauskas to approve all bills on List #1, dated December 22, 2015 through January 25, 2016, totaling \$619,919.00, as submitted to each member of Council and posted on the bulletin board.

Motion was passed unanimously.

#### RESOLUTION No. 1 of 2016 ALLOCATION OF EXCESS REGIONAL ASSET DISTRICT FUNDS NORTHLAND LIBRARY

Motion was made by Councilman LeDonne and seconded by Councilman McKim to adopt Resolution No. 1 of 2015 series, a resolution authorizing the allocation of Regional Asset District proceeds in the amount of \$3,749.13 to the Northland Public Library as permitted by Act 77 of 1993.

Motion was passed unanimously.

**AUTHORIZATION TO PURCHASE  
2016 POLICE VEHICLES**

Motion was made by Councilman LeDonne and seconded by Councilman McKim to authorize the purchase of four 2016 Police Interceptor Utility vehicles with warranties at \$28, 749 each, totaling \$114,996 from Milham Ford under COSTARS contract #013-084 and a Ford Explorer at a price of \$27,690 from DAY FORD under COSTARS contract #13-056.

Dave Martin, 10585 Grubbs Road, asked if the new police vehicles will require a safety feature to prevent the trunk lid from obscuring the light bar when opened. He suggested this may be a safety concern because the light bar is not visible to traffic when the trunk is open.

Carolyn Schweiger, shared that trunks on newer vehicles can now be programmed to limit the height trunk lids raise.

Motion was passed unanimously.

**RESOLUTION No. 2 OR 2016  
AUTHORIZATION OF SIGNATURE  
PENNDOT DRAINAGE FACILITY MAINTENANCE AGREEMENT  
ROUTE 19 – PINE CREEK CORRIDOR PROJECT**

Motion was made by Councilman McKim and seconded by Councilman LeDonne to adopt Resolution No. 2 of the 2016 series, a resolution authorizing the signing of a Drainage Facility Maintenance Agreement for the Route 19/Pine Creek Corridor Project between the Pennsylvania Department of Transportation and the Town of McCandless.

Motion was passed unanimously.

**CITIZEN'S COMMENTS**

Georgiana Likar, 10150 Grubbs Road, discussed her previous recommendation to Council and strong belief the Town is in need of a community center. She suggested Vincentian Regency may be an available site for Council's consideration because the owners plan to repurpose the building and lot. She pointed out the property is close to McCandless Crossing and possible close enough to connect the properties with a biking/walking crossing. Councilman LeDonne commented that during his latest conversation with Vincentian it was indicated plans are being made to turn the building and site into corporate offices.

Dave Martin, 10585 Grubbs Road, suggested Council consider adding citizen's comments and suggestions as topics for future agendas to allow citizens an opportunity to provide further input.

Bill Hinkel, 10160 Grubbs Road, discussed traffic concerns on Grubbs Road, specifically regarding issues experienced when pulling out of his driveway. Mr. Hinkel confirmed he previously discussed concerns with the McCandless Police Department. Councilman LeDonne, Public Safety Chairman,

discussed methods utilized by the Police Department to amplify monitoring of Town roadways when traffic problems are identified. It was noted speeding issues are widespread and problematic throughout the area within and beyond the boundaries of the Town. Mr. LeDonne reported that McCandless Officers continuously monitor roadways and issue citations on a regular basis. Georgiana Likar, Rita Martin and Councilwoman Zachary also commented on excessive speed of traffic traveling on Grubbs Road. Suggestions were made to install speed bumps, rumble strips and stop signs to encourage compliance with posted speed limits.

Rita Martin, 10585 Grubbs Road, commented it would be helpful if each Council Member would explain their individual reasoning for each vote they make when voting on important decisions. She also asked for clarification as to whether a Phase II Assessment was performed on the Rave Property. President Aufman stated the agreement with Allegheny Land Trust (ALT) was terminated and Phase II Assessment was not performed. Mrs. Martin referred to previous meeting minutes and asked questions about the recording of the meetings. Town Manager Cordek confirmed meetings are digitally recorded for the purpose of drafting minutes and the recordings are destroyed after adoption of the minutes, as per State law.

Nancy Vogeley, 10115 Grubbs Road, also commented that traffic on the Grubbs Road increased since construction began on Route 19. She agreed it would be helpful for officers to patrol more frequently.

Barbara Richards, 305 Manor Court, asked questions pertaining to ALT's request for an extension including whether the January deadline was set to allow an opportunity for Phase II testing. Town Manager Cordek provided a brief overview of the events pertaining to the Rave property and confirmed Council unanimously voted to terminate the agreement with ALT and Phase II and Phase II testing has not been performed. Ms. Richards asked if Phase I results would be shared with citizens. Attorney Ries stated there is a confidentiality clause within the ALT-Rave sales agreement restricting the release of information pertaining to the due diligence. He also remarked the Town is not permitted to share any information regarding the due diligence as they are subject to the real estate negotiations between ALT and the owners of the Rave property. Ms. Richards asked additional questions about costs incurred by the Town, the cost of projected clean-up and who would be responsible for clean-up had the agreement not been terminated. Town Manager Cordek noted the answers to her questions have been discussed in depth at previous meetings including a review of an itemized list of costs associated with the proposed project.

Rita Martin, 10585 Grubbs Road, questioned how the Town would handle a situation to address a if a property was suspected of causing a safety or health issue, specifically what agency would be contacted to test soil or water. Town Manager Cordek reported the Pennsylvania Department of Environmental Protection (PADEP) is ordinarily the agency involved. He also noted that under the Clean Streams act the EPA requests each state environmental agency manage water quality.

Dave Martin, 10585 Grubbs Road, asked additional questions about the Town's agreement with ALT and the Phase I testing.

Councilman McKim suggested whether limits should be established pertaining to the number of times individuals are permitted to share their suggestions and comments during Council meetings. He stated people should have a fair opportunity to speak although explained that this is not a forum for people to go beyond what the agenda calls for. He also suggested it may be time set limitations because there seems to 4-5 people grilling Council which is perhaps unfair to Council and unfair to others as there are nearly 29,000 residents living in the Town of McCandless.

Barbara Richards, 305 Manor Court, questioned Town Manager Cordek pertaining to an email request sent to him requesting additional information regarding the Rave property. She expressed frustration that she had not received a response. Town Manager Cordek acknowledged that he received her email this past afternoon and would respond in writing after having an opportunity to thoroughly review and address her questions.

#### ADJOURNMENT

At 8:46 p.m. a motion was made by Councilman LeDonne and seconded by Councilwoman Powers to move into an Executive Session to discuss a personnel matter. The Executive Session adjourned at 9:15 p.m.

Respectfully submitted,



Tobias M. Cordek  
Town Manager

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