

The regular meeting of the Clearfield County Commissioners was held on Tuesday, April 9, 2019 with Chair Sobel conducting the meeting. The following were in attendance: Commissioners Scotto and McCracken; Kim Kesner, Solicitor; Marianne Sankey, Human Resources; Tom Adamson, Controller; R. Bryan Snyder, Commissioner Candidate; Jeannette Holden, Susan Faulds, Brenda Campalong, Robert Myers, Gene Wardo, Kay Evans, Flora Stewart; Bigler Township Residents; Dave Glass, Commissioner Candidate; Margie Rosselli, Victim Witness Coordinator; Michael Swank, Steckbeck Engineering & Surveying, Inc.; Jessica Shirey, GANTdaily.com; Diane Byers, Progress/Courier; Yvonne Lehman, WOKW Radio; John Crance, citizen; Lisa McFadden, Chief Clerk.

Minutes of the previous meeting of March 26, 2019 were approved by motion of Commissioner McCracken, seconded by Commissioner Scotto; motion carried unanimously.

Controller Adamson presented the following bills for approval: General Fund, \$1,105,719.89; 911 Fund, \$4,885.09; Children Youth Services Fund, \$19,470.29; Domestic Relations Fund, \$802.78. Motion to approve the bills by Commissioner Scotto, seconded by Commissioner McCracken; motion carried unanimously.

#### Personnel Changes

**New Hires** – Matthew Mallon, Part-time Corrections Officer, effective 4/1/19.

Dana Jones, part time Department Clerk III in the Controller's office, effective 4/01/19.

**Transfers** - William MacDonald Temporary Full-time Corrections Officer, effective 3/3/19.

Greg Hallstrom, Part-time Corrections Officer to temporary Full-time Corrections Officer, effective 3/31/19.

Michael Cook, Adult Probation Officer to Deputy Warden of Operations at the Jail, effective 4/2/19.

Nova Dale, Part-time Corrections Officer to Full-time Corrections, effective 4/3/19.

David Mabon, Quality Assurance Supervisor at 911 to Deputy Director of Planning/EMA effective 4/8/19.

Debbie Myers, Caseworker to Caseworker Supervisor at Children Youth, effective 4/8/19.

#### Separations/Retirements

Christie Buck, Caseworker at Children Youth, effective 4/19/19.

Heather Swatsworth, District Judge Secretary at District Judge Ford's office, effective 4/19/19.

Approval of the personnel changes by Commissioner McCracken, seconded by Commissioner Scotto; motion carried unanimously.

PUBLIC COMMENT: Jeannette Holden, Susan Faulds, Robert Myers and Gene Wardo attended the meeting and voiced their opposition to the location of the proposed Dollar General Store in Bigler Township, Madera, PA. The consensus of the group is the proposed location is on a stretch of highway that is dangerous with many accidents and speeding issues. In addition, the store will be sandwiched between homes, one of which is Ms. Faulds who feels it is a very unsafe location. Personally, she said they never would have purchased the house had they known they would be living next door to a store. Ms. Holden presented petitions opposing the store with approximately 83 signatures, included with the signatures were those of the township supervisors. Ms. Holden also mentioned that they would like to have a traffic study performed by PennDOT not a company hired by the developer. The group attended the meeting to request that the Commissioners deny the developer's request to waive the County Subdivision and Land Ordinance parking requirements that states a minimum of 45 parking spots must be provided. The developer is asking for a waiver to 30 parking spaces. The matter was addressed at the County Planning Commissioner meeting of March 27 and the Planning Commission made a recommendation to the Commissioner to grant the waiver to the developer. The Planning Commission feel that some of their standards from 1995 are outdated and need revisited and parking requirements are one of those standards. Mr. Wardo spoke that he was contacted in December about property he owned along Route 53 for possible location of the DG Store. Mr. Wardo said his property would better serve the development and as it is away from homes.

Old Business: None

#### New Business

Margie Rosselli attended the meeting and asked that the Board consider applying for an extension to the Victims of Crime Act grant. Ms. Rosselli explained that the VOCA grant is a federal grant and additional funds for \$117,541 have become available. The funds if received will be used for direct services for victims. Ms. Rosselli noted that due to the juvenile ruling Miller VS Alabama has affected four juvenile cases that go back as far as 30 years ago and has affected families. The ruling has allowed one defendant convicted of murder to be released, one to have a sentence reduction and the possibility of another being released. Ms. Rosselli said the extension of these funds are very important to the families of these victims. Motion to authorize the application to apply for the additional funding by Commissioner McCracken, seconded by Commissioner Scotto; motion carried unanimously.

Chair Sobel turned the matter to request a waiver of sections of the County Subdivision and Land Development Ordinance (SALDO) to Solicitor Kesner. Solicitor Kesner explained that the Planning Commission submitted a letter recommending the Commissioners consider the developers engineering calculations regarding justification for less parking. The Planning Commission also recognizes that the County SALDO parking requirements are antiquated and will address this topic at the April meeting. The Planning Commission is not making any objections to the developer's request and under modern ITE (Institute of Transportation Engineers) standards, the current SALDO requirements are excessive. The only action before the Commissioners is a request of modification for off street parking requirements. The SALDO, which was enacted in 1995, requires 45 parking spots while the design is for 30 spots. The County's SALDO was intended to set minimum standards for sub-divisions. The original usage was not to dictate to local governments all of the standards that could be enacted and municipalities could chose to not enact their own SALDO, in which case the county SALDO would apply OR, they could enact their own SALDO which could be more restrictive than the County Ordinance. Some discussion ensued about zoning and the commissioners noted that municipalities should consider zoning if they want to have better control over development within their municipality. The SALDO is not zoning and does not dictate uses which would be covered by local municipal zoning. The issue for consideration of the waiver request solely concerns on site parking and the developer feels anything larger than the 30 designed spaces would be unused. In addition, the developer has followed DEP standards regarding storm water runoff and, if the additional parking spaces are required because the waiver is denied, then it is probable the storm water runoff will be worse. Solicitor Kesner said that a modification could be granted as the engineering study provides that 30 parking spots are sufficient and the Planning Commission agree with the ITE standards that was cited by the engineer. The Board must base their decision on a sound basis material to the criteria to the ordinance or non-material issues. The Commissioners cannot base their decision on the location being in an unsafe traffic area and cannot exercise powers that they do not have. Chair Sobel asked if the Commissioners chose to deny the waiver could that be viewed as an abuse of discretion, the developer could appeal to the Court of Common Pleas and then the burden would be on the County to show a reasonable exercise of discretion and show a sound basis for not granting the waiver. Commissioner Scotto asked if the waiver was not granted would the store still be built and located at the proposed location. Mr. Swank, representative of the developer, responded that they would still be building in the same location regardless of the waiver or not. Commissioner Scotto noted that if there were 45 spots the chances of run-off onto other properties would be more likely. Commissioner McCracken confirmed with Mr. Swank that regardless of the Board's decision, the property will be developed regardless of the waiver and Mr. Swank replied that was true. The Commissioners reminded the group that the County SALDO is not a replacement for zoning and pointed out the fact that the County has been fighting the proposed Boggs Township landfill since 2006 and had the township had zoning it may stopped that project. Chair Sobel called for a motion to grant or deny the SALDO Waiver, motion by Commissioner McCracken to grant the waiver, seconded by Commissioner Scotto; motion carried unanimously.

Chief Clerk McFadden asked the Board to execute the Polling Place lease agreement with St. Bonaventure Church of Grampian for the Grampian Borough polling location. Chief Clerk McFadden explained that the polling location was moved from the Grampian Fire Hall to St. Bonaventure by petition of Grampian Borough voters. Motion to execute the lease by Commissioner Scotto, seconded by Commissioner McCracken; motion carried unanimously.

The Commissioners announced receipt of a letter and copies of PA Wastes Technical Deficiencies response to DEP. Jodi Brennan and the County's Environmental attorney, Paul Bruder will review the information. The Commissioners still stand in opposition to the landfill since 2006 when it was first proposed.

Solicitors Report – None

Motion to adjourn by Commissioner Scotto, seconded by Commissioner McCracken; motion carried unanimously.

Lisa McFadden, Chief Clerk