BOROUGH OF VANDERGRIFT

MINUTES OF THE VANDERGRIFT COUNCIL

DECEMBER 2, 2013

The Council of the Borough of Vandergrift met in the Council Chambers of the Municipal Building at 7:00 p.m., with President Carricato presiding. The Pledge of Allegiance to the Flag was recited.

MEMBERS PRESENT:

Lenny Collini
Christine Wilson
Brian Carricato
Vernon Sciullo
James Rametta
Kathleen Chvala

OTHER OFFICIALS:

Louis Purificato, Mayor
Larry Loperfito, Solicitor
Michae Bove, Engineers
Stephen DelleDonne, Secretary
Joseph Caporali, Police Chief

MINUTES:

The Minutes of the November 4, 2013, meeting were approved by motion of Mr. Rametta, second by Mrs. Chvala. Motion carried.

VISITORS:

A motion was made by Mr. Sciullo, second by Mr. Collini, to hear from visitors at this time. Motion carried.

Peter Basile, 159 Jefferson Ave., expressed his praise for the parade held on Light Up The Night. He stated that more support is needed from the merchants and of Council to promote not only these activities, but bringing the downtown to what is was.

Mr. Basile stated that he is going to again to try to organize a merchant organization in town.

A motion was made by Mr. Sciullo, second by Mrs. Chvala, to return to the regular

order of business. Motion carried.

MAYOR'S REPORT:

No Report

SECRETARY'R REPORT:

The Secretary stated that all newly elected officials of the Borough must sign an affidavit of residency prior to being sworn in and the form is to be filed with the borough secretary. (See page 2-A)

The Secretary presented and reviewed the Borough's Debt Statement as of December 31, 2013. (See page 2-B)

The Secretary stated that Council must hold a Reorganizational Meeting on January 6, 2013, at which time an election of a President and Vice President of Council will be held.

A motion was made by Mr. Sciullo, second by Mr. Rametta, to accept the Secretary's Report. Motion carried.

ORDINANCE OFFICER'S REPORT:

No Report

COMMUNICATIONS & CORRESPONDENCE:

None

REGULAR AND STATED BILLS:

A motion was made by Mrs. Wilson, second by Mr. Rametta, to pay all stated and approved bills. Motion carried.

SPECIAL BILLS:

None

STREET & SANITATION REPORT:

Chairperson Sciullo informed Council that Howard Hunter will be retiring the first part of January, 2014. He stated that his last day of work will be January 3rd and will then take his vacation days to January 14th. Mr. Sciullo stated that Mr. Hunter was an excellent employee and will be missed.

2-A

**BOROUGH OF VANDERGRIFT**

The below affidavit of residency is effective July 16, 2012, for any registered elector appointed to elected borough office and applicable to any newly elected official who takes office in 2014. The form must be presented first before the person can be sworn in and the form should be filed with the borough secretary.

**AFFIDAVIT OF RESIDENCY**

I, (NAME) _____, BEING DULY SWORN ACCORDING TO LAW, DO HEREBY DEPOSE AND STATE THAT I AM A REGISTERED ELECTOR OF THE BOROUGH OF _____, COUNTY OF _____, AND THAT I CURRENTLY RESIDE AND I HAVE RESIDED CONTINUOUSLY IN THE BOROUGH, OR IN THE WARD IN CASE OF WARD OFFICE, FOR AT LEAST ONE YEAR IMMEDIATELY PRIOR TO MY ELECTION IN ACCORDANCE WITH SECTIONS 801 AND 901 OF THE BOROUGH CODE, ACT 43-2012.

I MAKE THIS STATEMENT UNDER PENALTY OF PERJURY AND AS MORE FULLY SET FORTH IN 18 PA. C.S. SECTION 4904.

_____

(Signature)

Sworn to and subscribed before me

This _____ day of _____.

_____

(Notary Public)

My commission expires:

2-B

# BOROUGH OF VANDERGRIFT
## DEBT STATEMENT

| Title of Purpose of Debt | Year of Issue | Term | Gross Debt Outstanding at Beginning of the year January 1, 2013 | Amount Paid during year 2013 | Gross Debt outstanding at end of year December 31, 2013 |
|---|---|---|---|---|---|
| PennVest Project | 1995 | 20 yrs. | $24,851.85 | $24,082.30 | $0.00 |
| PennVest Project | 1998 | 20 yrs. | $49,809.81 | $39,687.53 | $10,122.28 |
| 09 Refuse Truck | 2008 | 5 yrs. | $17,253.91 | $17,253.91 | $0.00 |
| Ford 350 Dump Truck | 2011 | 5 yrs. | $31,550.82 | $10,516.94 | $21,033.88 |
| LaBelle vue Project - Scottdale Bank | 2010 | 5 yrs. | $280,516.08 | $114,375.33 | $166,140.75 |
| Ford 350 Pick Up Truck | 2012 | 5 yrs. | $24,517.99 | $6,919.01 | $17,598.98 |
| | | | **$428,500.46** | **$212,835.02** | **$214,895.89** |

With the retirement of Howard Hunter, Mr. Sciullo stated that there will be a need to fill this vacancy by hiring someone with a CDL driver's license. He therefore requested that approval be given to advertise for the employment of an individual with a CDL driver's license to work within the Street & Sanitation Department of the Borough.

A motion was made by Mr. Sciullo, second by Mrs. Wilson, to approve the aforementioned request. Motion carried.

A motion was made by Mr. Collini, second by Mrs. Wilson, to accept the Street & Sanitation Report. Motion carried.

ENGINEER'S REPORT:

Engineer Bove reported that he is awaiting for the closing of the loan for Phase 2A & 2B Sewer Separation Project to be held on December 12, 2013. He also stated that the finalization of Phase I will take place on December 10, 2013.

A motion was made by Mrs. Chvala, second by Mr. Collini, to accept the Engineer's Report. Motion carried.

BUDGET & FINANCE REPORT:

Chairperson Wilson stated that the propose budget for the fiscal year 2014 is ready for adoption.

The Secretary stated that the proposed 2014 budget was advertised for public inspection.

A motion was made by Mrs. Chvala, second by Mr. Rametta, to adopt the proposed 2014 Budget of the Vandergrift Borough. Motion carried.

Mrs. Wilson stated that the tax ordinance for 2014 is also ready for adoption.

A motion was made by Mrs. Chvala, second by Mr. Collini, to adopt Ordinance No. 8-2013. Motion carried. (See page 3-A)

A motion was made by Mr. Sciullo, second by Mr. Collini, to accept the Budget & Finance Report. Motion carried.

POLICE & PUBLIC SAFETY REPORT:

Chief Caporali stated that the Police & Public Safety Committee met in regards to the curb cut request by Dave Ruggerio for off-street parking on Jackson Avenue. He stated that has been denied due to the Borough's Zoning Ordinance does not permit a driveway in the front of a residential home.

3-A

## LEGAL NOTICE

Notice is hereby given that the Council of the Borough of Vandergrift will meet, during a regularly scheduled on December 2, 2013 at 7:00 P.M. at 109 Grant Avenue, Vandergrift, Westmoreland County, Pennsylvania, for the purpose of general business of the Council of the Borough of Vandergrift and for the considering of the adoption of Ordinance 8 of 2013, which said Ordinance is the Taxing Ordinance of the Borough of Vandergrift setting and fixing the tax rate for fiscal year 2014.

## TAX ORDINANCE 8 OF 2013

**AN ORDINANCE OF THE BOROUGH OF VANDERGRIFT, WESTMORELAND COUNTY AND THE COMMONWEALTH OF PENNSYLVANIA, FIXING THE TAX RATE FOR THE FISCAL YEAR 2014.**

BE IT ORDAINED AND ENACTED, and is hereby ordained and enacted by the Council of the Borough of Vandergrift, County of Westmoreland and Commonwealth of Pennsylvania.

Section 1. That a tax be and the same is hereby levied on all property and occupations within the said Borough subject to taxation for Borough purposes for the year 2014 as follows:

Tax rate for general Borough purposes, the sum of twenty-eight (28) mills on each dollar assessed valuation.

Making a total tax rate for all Borough purposes of twenty-eight (28) mills on each dollar of assessed valuation.

Section 2. That an ordinance, or any part of ordinance, conflicting with this ordinance shall be and the same hereby repealed insofar as the same affects this ordinance.

**ADOPTED THIS 2nd day of December, 2013.**

**BOROUGH OF VANDERGRIFT**

**BRIAN J. CARRICATO,**
Council President

ATTEST:

(SEAL)
**STEPHEN J. DELLEDONNE,**
Borough Secretary

**APPROVED THIS 2nd day of December, 2013.**

**LOUIS PURIFICATO,** Mayor

Solicitor Loperfito recommended that the Ordinance Officer take a look at the condition of Mr. Ruggerio's garage.

President Carricato requested the Chief of Police to look into the parking of motorcycles in the front of the properties on Jackson Avenue.

A motion was made by Mr. Rametta, second by Mr. Sciullo, to accept the Police & Public Safety Report. Motion carried.

BUILDING & GROUNDS REPORT:

Chairperson Rametta informed Council that Vic Capretto has installed sixteen (16) Cree LED light fixtures in the police station. He stated that this has increased the lumens from 800 to 1000. He also stated that the new lights has decreased the total amps from 23.1 to 3.98, a reduction of approximately 80%.

Mr. Rametta stated that two LED lights will be installed in the holding cell area of the police station and two in the police hallway.

A motion was made by Mrs. Chvala, second by Mr. Collini, to accept the Building & Grounds Report. Motion carried.

TREE & LIGHT REPORT:

Chairperson Chvala stated that two large trees were removed at the bottom of the hill slide of East Vandergrift Borough.

A motion was made by Mr. Collini, second by Mr. Rametta, to accept the Tree & Light Report. Motion carried.

GENERAL GOVERNMENT REPORT:

President Carricato reported that the Borough's insurance agent has informed us that EMC Insurance Companies will no longer provide workmen's compensation coverage for the firemen. He stated that since the passage of Act 46 in 2011 & allows claims to be filed for Volunteer Firemen with cancer, this has resulted in insurance companies no longer willing to write workmen compensation coverage for firemen.

With no insurance companies wishing to write this coverage, the Borough will have need to acquire this coverage through the State Workmen's Compensation Fund, of which will cost an additional $6,000, of which will increase this cost from $14,000 to $20,000 per year.

President Carricato stated that he, Mr. Sciullo, Mrs. Chvala, and the Secretary met with representatives of both fire departments regarding this matter. Following a discussion of this matter, all parties agreed to off-set the $6,000 increase by only transferring $6,000 to the Fire Protection Fund, instead of $12,000, and use the difference

to fund the increase in the workmen's compensation coverage for the volunteer firemen.

A motion was made by Mr. Sciullo, second by Mr. Rametta, to approve the aforementioned transfer. Motion carried.

RECREATION REPORT:

Chairperson Collini questioned whether there would be a timeline available during the work of Phase 2A & 2B in order to coordinate certain planned activities at the park areas.

Engineer Bove stated that he will work to insure that there are no problems regarding this matter.

A motion was made by Mr. Sciullo, second by Mr. Rametta, to accept the Recreation Report. Motion carried.

SOLICITOR'S REPORT:

Solicitor Loperfito provided the Borough with a revised agreement for emergency snow removal providers. (See page 5-A)

Solicitor Loperfito presented rates for legal representation from Campbell, Durrant, Beatty and Palombo for 2014. (See page 5-B)

A motion was by Mr. Sciullo, second by Mrs. Chvala, to approve the aforementioned rates from CDBP. Motion carried.

Solicitor Loperfito questioned whether members of Council have reviewed the proposed landlord/tenant ordinance, and if so, can the ordinance be advertised for adoption.

Mrs. Chvala stated that she still has reservations regarding ones civil liberties.

With no other comments, a motion was made by Mr. Rametta, second by Mrs. Wilson, to advertise for adoption Ordinance No. 1-2014. Motion carried.

Solicitor Loperfito presented Resolution No. 12-2013, authorizing a Tax Anticipation Note from the First Commonwealth Bank. He stated that said resolution authorizes the borrowing up to $200,000 at a rate of $1.75%.

A motion was made by Mr. Rametta, second by Mr. Sciullo, to adopt Resolution No. 12-2013. Motion carried.

Solicitor Loperfito presented a Full and Final Release of All Claims for Maria & Thomas Haluscak. (See page 5-C)

5-A

# EMERGENCY INDEPENDENT CONTRACTOR AGREEMENT

This Agreement is made and entered into this ____ day of _____, 20__, by and between the Borough of Vandergrift, a municipal corporation, with a principal address of 109 Grant Avenue, Vandergrift, Westmoreland County, Pennsylvania 15690, hereinafter referred to as the "Borough" and _____ of _____ _____, hereinafter referred to as "Independent Contractor".

WHEREAS, on _____, the Borough of Vandergrift declared a State of Emergency related to a snow storm and has deemed, for the health, safety and welfare of the residents of the Borough, that independent contractors be utilized to assist in clearing Borough streets and necessary public areas;

NOW THEREFORE, intending to be legally bound, the parties do hereby agree as follows:

1. Independent Contractor has been engaged by the Borough to perform snow removal services on an emergency basis only and has agreed to supply all equipment, labor and materials necessary in order to complete the task of snow removal in a manner as deemed as appropriate by the Borough;

2. The Independent Contractor shall charge a rate, inclusive of all services including, but not limited to, operators, vehicles, gas usage and time in the amount of $_____ per hour;

3. Independent Contractor shall, prior to payment, submit to the Borough an itemized invoice setting forth the number hours worked and shall only work at the direction of the Borough and shall cease work immediately upon direction of the Borough. Any work performed beyond the directive of the Borough to cease and desist from any additional work shall be non-compensable;

4. Independent Contractor acknowledges that it is insured by a policy or policies of insurance including, but not limited to general liability and workers' compensation for any and all employees at either the state required amounts or an amount not less than $100,000.00 per incident and the Independent Contractor does hereby agree to defend, indemnify and hold harmless the Borough of Vandergrift from any liability of any type, kind or sort caused by any action or inaction of Independent Contractor, his agents, servants or employees. All indemnity, defense and hold harmless shall be to the fullest extent permitted under Pennsylvania law. Copies of all applicable policies shall accompany a signed copy of this Agreement.

The Borough and Independent Contractor agree that the Independent Contractor is an independent contractor and any employees are those of the Independent Contractor only. Independent Contractor agrees that no employment relationship of any type is created as a result of any term or provision of this Agreement or the work to be performed for the Borough.

IN WITNESS WHEREOF and intending to be legally bound hereby, the parties do hereby set their hands and seals as of the date written below.

INDEPENDENT CONTRACTOR:

DATE: _____ _____

ACCEPTING:

DATE: _____ _____

STEPHEN J. DELLEDONNE, Borough Secretary ACCEPTED AS NECESSARY ACTION PURSUANT TO A DECLARATION OF EMERGENCY

5-B

CDB P&M | CAMPBELL DURRANT BEATTY PALOMBO & MILLER, P.C.

Michael A. Palombo
*Attorney at Law*
Direct Dial: (412) 395-1255
mpalomgo@cdblaw.com

IN REFERENCE TO: VANDER-1644

September 26, 2013

Stephen DelleDonne, Borough Secretary
Vandergrift Borough
109 Grant Avenue
Vandergrift, PA 15690-1207

**RE: CDBP&M 2014 Rates**

Dear Mr. DelleDonne:

Please be advised that effective January 1, 2014, Campbell Durrant Beatty Palombo & Miller, P.C. will be raising its rates for legal representation provided to Vandergrift Borough as follows: $205.00 per hour for principals; $185.00 per hour for senior associates; $175 per hour for associates; and $135.00 per hour for paralegals. Our goal is to continue providing efficient, high quality and cost-effective legal services to Vandergrift Borough, and we continually look for ways to keep our operating costs down. We are very aware that our services are paid for by taxpayer dollars, and we strive to make sure that the public receives excellent value for their dollars. As a result of these efforts, this $10 per hour increase represents our first rate increase since 2009.

Toward this end, our firm continues to offer discounted rates to members of the Pennsylvania Municipal League's Public Employer Labor Relations Advisory Service (PELRAS). We note that Vandergrift Borough is not a member of PELRAS at this time. As such, we have enclosed a copy of the PELRAS brochure for your review. You will note that there are many additional benefits to a PELRAS membership, including discounted attendance at the annual conference and periodic newsletters providing updates on legal developments related to labor and employment issues. If your municipality joins PELRAS, Vandergrift Borough will see no increase in rates in 2014.

Thank you for your reliance upon our firm in the past, and we look forward to working with you in the future. If you have any questions in this regard, please feel free to contact me.

Very truly yours,

Michael A. Palombo, President
Campbell Durrant Beatty Palombo & Miller, P.C.

MAP/kk
Enclosure



555 Grant Street, Suite 310 | Pittsburgh, PA 15219-4408
TELEPHONE: (412) 395-1280 | FAX: (412) 395-1291 | www.cdblaw.com

5-C

# FULL AND FINAL RELEASE OF ALL CLAIMS

FOR AND IN CONSIDERATION of the total sum of One Thousand Seven Hundred Dollars ($1,700.00) paid as follows: Borough of Vandergrift check number 1033 in the amount of $900.00 paid to and received by Thomas and Maria Haluscak on August 7, 2012; with the balance of $800.00 to be paid, upon the signing of this Full and Final Release of All Claims, to the undersigned, receipt of which is acknowledged, the undersigned does fully release and discharge the Borough of Vandergrift, and all other persons, associations and corporations whether or not named herein, their heirs, executors, administrators, successors, assigns and insurers and their respective agents, servants, employees, from any and all claims, causes of action, and demands of whatsoever kind on account of all known and unknown injuries, losses and damages allegedly sustained by the undersigned as a result of, arising from, or in any way connected with a sewer line repair/replacement on, in or under the property of the undersigned occurring in or about April 2012. The undersigned understands and agrees that the acceptance of this sum is in full accord and satisfaction of a disputed claim and that the payment of the sum is not an admission, of or evidence, of liability of any party named herein.

It is expressly understood and agreed that this full and final release and settlement is intended to cover, and does cover not only all known injuries, losses, damages, but any further and unknown injuries, losses and damages which may arise from or are related to the occurrence, now or at any time in the future.

It is further understood and agreed that this is the complete release and final agreement between the parties and that there are no other written or oral understandings or agreements. This agreement shall be binding upon and inure to the benefit of the successors, assigns, heirs, executors, administrators and legal representative of the respective parties.

THIS IS A RELEASE OF ALL CLAIMS. YOU SHOULD REVIEW THIS WITH AN ATTORNEY BEFORE SIGNING.

IN WITNESS WHEREOF, and intending to be legally bound hereby, I set my hand and seal this ____ day of December, 2013.

_____
**THOMAS HALUSCAK**

_____
**MARIA HALUSCAK**

**COMMONWEALTH OF PENNSYLVANIA )**
**COUNTY OF WESTMORELAND )**

On this _____ day of December, 2013, before me the undersigned officer, personally appeared **THOMAS HALUSCAK and MARIA HALUSCAK, his wife**, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the foregoing instrument, and acknowledged that they executed it for the purposes contained herein

Witness my hand and official seal the day and year aforesaid.

_____(SEAL)
Notary Public

At 7:40 p.m., a motion was made by Mr. Rametta, second by Mr. Collini, to call an executive session of Council for the purpose of discussing a personnel matter. Motion carried.

At 7:46 p.m., a motion was made by Mr. Sciullo, second by Mr. Collini, to return to the regular order of business, and to state that no action of Council was taken during the executive session. Motion carried.

A motion was made by Mr. Sciullo, second by Mr. Collini, to accept the Solicitor's Report. Motion carried.

UNFINISHED BUSINESS:

Mrs. Wilson questioned if any action will be taken regarding the donation of property in West Vandergrift from True-Line.

Following a discussion, this matter was tabled until the January 6, 2014 meeting.

NEW BUSINESS:

None

ADJOURNMENT:

A motion was made by Mr. Collini, second by Mrs. Wilson, to adjourn the meeting. Motion carried.

The meeting was adjourned at 7:47 p.m