BOROUGH OF VANDERGRIFT

MINUTES OF THE VANDERGRIFT COUNCIL MEETING

AUGUST 2, 2021

The Council of the Borough met in the Council Chambers of the Municipal Building at 7:00 pm, with Vice President Chvala presiding. The Pledge of Allegiance to the Flag was recited.

MEMBERS PRESENT:

Lenny Collini

Thomas Holmes

Christine Wilson

Karen McClarnon

Casimer Maszgay

Kathleen Chvala

OTHER OFFICIALS:

Barbara Turiak, Mayor

Stephen DelleDonne, Secretary

Larry Loperfito, Solicitor

Thereasa Geltz, Assistant Secretary

Lucian Bove, Engineer

Joseph Caporali, Police Chief

MINUTES:

The Minutes of the July 6, 2021 meetings were approve by motion of Mr. Masazgay, second by Mr. Holmes. Motion carried.

VISITORS:

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

Tim Gourley, 309 Spruce Street, addressed Council on the benefits of raising chickens in the Borough. (See page 1-A) He stated that Council should permit the raising chickens, as they are docile animals and can be consired pet, and are a source of food. He did recommend that roosters not be permitted.

Chloe Krusz, 166 Grant Avenue, also supported having chickens permited in town. She stated that she homeschools her children and that her chickens provide learning lessons.

Improving Community Food Security

- Fresh eggs are a perfect food, high in protein and most essential nutrients
- Laying hens can contribute nutritionally dense food almost every day
- Backyard chickens can help low income households eat healthy food
- Keeping your own chickens provides the opportunity to control food quality
- Raising chickens increases the amount of food grown in the community
- Learning to raise backyard chickens can hispire people to become new farmer Caring for the Environment
- Chickens help recycle kitchen garden and yard waste
- Chicken manure used a fer 1112 er great vimproves garden yleit
- Chickens can help controllinged period and unique plantage
- We Backyard food production he is timic the carbon to bring of food whipping
- Raising heritage breeds helps maintain blotiversity hagieuming
- Chicken keeping helps teach childrettaboutoom eosystem and now to keep it healthy

Better Health and Social Well-Being

- Keeping chickens helps youth and addistributed in designation of the contraction of the c
- Producing food at home encourages self-sufficienty and self-sufficienty
- Backyard hens help promote food sharing and social interaction among neighbours
- Chickens can be companion animals which contribute to thental health by reducing loneliness, isolation and deprecion 3. isolation and depression, as well as fosterisodal activ
- Chickens can provide entertainment to all ages
- Raising chickens can help teach children biology, and caring for animals

Don Detar, 213 Lowell Street, stated that something needs to be done with high grass at the corner of Lowell and Hancock. He also stated that action needs to taken with Detar's Garage along the Bi-Pass and the property on Hancock Avenue formerly known as the "Old Medicine Shop".

Janice Oberdorf, 120 East Adams Avenue, informed that the Casino Theater has been awarded a \$21,000 matching grant for the replacement of fire escape between the Casino Theater and the Vandergrift Library. She stated, as per the lease agreement, the Casino Theator Restoration & Management, Inc. is requesting permission proceed with this project. (See page 2-A)

Mrs. McClarnon stated that this matter should be run by the Building & Grounds Committee.

Lisa Dormire, 226 Franklin Avenue, expressed her appreciation for Council's permission to have the annual Arts Festival, of which was a good turnout with about 2500 people in attendance. She thanked the Borough Crew for blocking off Grant and for collecting the trash following this event.

Karen Cramer, 910 Holland Street, expressed her graditude for efforts of both Vandergrift fire departments, EMS, the Vandergrift Police and surrounding fire departments in addressing the recent fires on Holland Street. She stated that the efforts of the fire departments saved her house.

A motion was made by Mr. Holmes, second by Mrs. Wilson, to return to the regular order of business. Motion carried.

MAYOR'S REPORT:

Mayor Turiak also expresser appreciation for excellent job of all first responders in fighting the fire on Holland Street, but also on Longfellow Street.

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

SECRETARY'S REPORT:

The Secretary reported that the Borough has received a check in the amount of \$255,131.20 through the American Rescue Act-2021, Coronavirus State & Local Recovery Fund.

The Secretary stated that the Westmoreland County Department of Planning & Development is accepting applications for the 2022 Community Development Block Grant (CDBG). He stated that the application for the funding must be submitted by Septemer 30, 2021.



145 Lincoln Avenue PO Box 202 Vandergrift, Pa. 15690 July 15, 2021

Vandergrift Borough Council:

As I am sure you remember, I sent in the attached letter and proposed fire escape plans for your April 5th 2021 meeting. Knowing that the fire escape between the theater and the library is in dire need of replacement and concerned for the safety of the children and their parents that visit the children's room at the library along with theater patrons, the theater board and the library have been working tirelessly on obtaining a grant to replace the antiquated and dangerous fire escape at no cost to the borough. The theater was notified on July 14th that we have received an awarded grant for the fire escape from AER/Pace Pittsburgh. The grant is a 50-50 match and as outlined in the previous letter to Council, the theater and the library have committed to matching the funds with volunteer hours or cash donations. Again, no money is being requested from the Borough of Vandergrift.

Since the theater is in the historic district of Vandergrift, the new fire escape will be built out of metal as is the old one and will be in keeping with the original design while adhering to any new regulations on step size, etc. As mentioned previously, we sent in an architectural drawing with our original letter.

Per the lease agreement with the Borough and the Casino Theater Restoration and Management Inc. we are requesting the borough's permission to proceed with this project as it falls within the \$10000 notification of an upgrade. The grant award had to be accepted within fourteen days and we have done so but can and will return the check immediately if the borough does not or cannot give approval at this meeting. The grant period is from July 14 to November 1, and we need to proceed immediately with ordering materials as a final report is due by November 1, 2021.

Since the building is owned by the Borough of Vandergrift and since this is a replacement and not a new addition, we are assuming you as legal representatives of the borough will handle any building permits if required by the borough.

Janice Oberdorf - Treasurer - CTRM

120 East Adams Ave – Vandergrift PA

The Secretarty stated that he receive an email from Kyle Harris, Kiski Valley Lancers Youth Football & Cheer Program requesting permission to use the stage at Kennedy Park to hold free back to school haircuts for the community's youth to be sponsored by Ramsey's Place.

Mrs. McClarnon recommended that this organization be required to have the proper insurance certificates.

A motion was made by Mrs. McClarnon, second by Mr. Holmes, to approve the aforementioned request and to include the requirement of the property insurance. Motion carried.

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

CODE OFFICER'S REPORT:

No Report

COMMUNICATIONS & CORRESPONDENCE:

Exhibit 1-A: Ben Ruggles, Eagle Scout Project.

Subject: Add two benches at Franklin Avenue Park & one picnic table.

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

Exhibit 2-A: Joyce Corbin, Secretary of New Hope Outreach Ministry.

Requst to rent Kennedy Park for a Saturday to help spread the gospel.

A motion was made by Mr. Holmes, second by Mrs. Wilson, to approve the aforementioned request contingent upon said organization having the proper insurance and to coordinate date with the Recreation Committee. Motion carried.

Exhibit 3-A: Janice Oberforf-Treasurer-CTRM.

Subject: Permission to proceed with the project to replace the old fire escape Between the Casino Theater and the Vandergrift Library.

A motion was made by Mrs. McClarnon to state that this matter should go through the Building & Grounds prior to being presented to Council.

With a no second to the motion, President Chyala declare the motion dead for a failure to

To the Vandergrift Borough,

Hello, my name is Ben Ruggles. I am 17 and a member of the Scouts BSA troop number 551 out of Hyde Park. I live just outside of town on Kepple Hill, and am therefore familiar with Vandergrift. I am looking to undertake my Eagle Scout project in town at Franklin Park. I have already been in communication with the Vandergrift parent group that runs and operates features in the park such as the community garden.

For the project itself, I hope to add two benches inside the park near and around the playground to provide seating to parents, guardians, and siblings watching their young loved ones enjoy the park. The benches are likely to be built with the intention of lasting as long as possible with little maintenance. There is a possibility that heavy duty recycled plastic benches can be secured, depending on the generosity of those selling them, and the amount of funds raised.

Furthermore, I want to add a picnic table outside the main park, in the grassy area under the trees. Therefore, people can enjoy the beautiful gem hidden in Vandergrift. Similarly to the benches, it will probably be constructed with a possibility of being bought. Both the benches and the table will be secured to the park in order to prevent the theft of the new additions.

The aim and goal of this project is to give the residents of this town the ability to enjoy the park and the surrounding area in a way that requires little maintenance and will weather the elements. I hope to receive your approval on this project so that I may begin promptly.

My contact information for approval and any additional questions:

Phone number: 878-847-9266 (mobile)

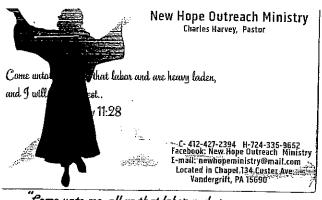
Email: <u>ben.ruggles7@gmail.com</u>

Address: 1125 Forest Avenue, Vandergrift PA, 15690

I look forward to hearing from you and working with you on this project.

Thank You,

Ben Ruggles, Troop 551



Come unto me, all ye that labor and are heavy laden, and I will give you rest" "Matt 11:28"

July 24, 2021

To whom it may concern,

New Hope Outreach Ministry located in the building at First United Methodist Church 134 Custer Ave. Vandergrift would like to rent Kennedy Park for a Saturday in the upcoming months. (This will be determined on when the park is available.) We would like to help spread the gospel by having a Christian rapper along with a praise worship dancer perform. We anticipate having food, prayer booth, games for the kids and prizes along with the entertainment. We would need access to the stage for the performers and plan on monitoring the crowd.

Please contact Paster Harvey at 412-427-2394 for any additional questions and availability of the park.

Thank you, Joyce Corbin

Secretary of New Hope Outreach Ministry

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Janice Oberdorf - Treasurer - CTRM

120 East Adams Ave – Vandergrift PA

receive a second.

A motion was made by Mr. Collini, second by Mr. Holmes, to approve the request of CTRM to accept a grant for the aforementioned project and to move forward with the notification to Bureau Veritas to begin the permit process. Motion carried with Mrs. McClarnon opposing.

Exhibit4-A: Chris Wells, Assistant Secretary, Vandergrift No. 2 Fire Department.

Subject: Request permission to have a bonfire during their September Food Truck Ralley on September 10th.

A motion was made by Mr. Holmes, second by Mr. Collini, to approve the aforementioned request. Motion carried.

REGULAR & STATED BILLS:

Mrs. McClarnon questioned the expense of two freezers for the Vandergrift Pool and why she a member of the Recreation Committee was not notified.

The Secretary stated that the freezers were bought due to the current ones failure to operate and to prevent the lose of the food products.

Solicitor Loperfito stated that if no committee meetings are held, all matters regarding a committee can be brought before the Council body.

A motion was made by Mr. Holmes, second by Mr. Maszgay, to pay all stated and approved bills. Motion carried.

STREET & SANITATION REPOT:

Chairperson Wilson reported that the new labor employee at the Street & Sanitation Department has passed the background check, drug & alchohol test and child safety clearance. She stated that his 90 probation period will start as of July 19, 2021.

Mrs. Wilson stated due to sewage backup at the property located at 23 Longfellow Street, the Borough is responsible for the replacing the owner's hot water tank.

A motion was made bby Mr. Holmes, second by Mrs. Wilson, to authorize reimbursement of a hot water tank for the property located at 229 Longfellow Street in the amount of \$1,070.00. Motion carried.

Exh. b. + 4-A



Vandergrift Fire Department No. 2 229 Emerson Street Vandergrift, PA 15690

Dear Council,

Vandergrift Fire Department No. 2 would like to request permission to host a bonfire in addition to our September Food Truck Rally which will take place on September 10th from 4pm-8pm at our field on Longfellow Street extension. There will be food trucks, vendors, DJ, and Touch A Truck event in addition to the bonfire to bring in the fall season! We will assure safety of those around by having the fire in a distant location away from any structures as well as on scene fire protection utilizing the fire trucks if needed.

Any organization is more than welcome to join us! If you wish to set up a booth and/or participate in our event, feel free to contact me to coordinate (724-594-6799).

Thank you for your consideration,

Ohio Wells

Chris Wells

Assistant Secretary

Mrs. Wilson stated that the Borough will need to rent a small excavator to a storm water problem for the property of Todd Fasino. She stated that the project will entail replacing and rebuilding the water outfall. She stated that this work will be done by Glen Rupert.

A motion was made by Mr. Collini, second by Mr. Maszgay, to accept the Streets & Sanitation Report. Motion carried.

ENGINEER'S REPORT:

Engineer Bove requested action by Council on the following matters.

1. Authorization to advertise for bids on the 2021 CDBG Street Reconstruction Project to opened at the September 7, 2021 meeting.

A motion was made by Mr. Holmes, second by Mr. Maszgay, to adverise for bids on the aforementioned project. Motion carried with Mrs. Wilson abstaining.

2. Authorization to prepare and submit an application to the County Planning Department for the 2022 CDBG funding.

A motion was made by Mr. Holmes, second by Mr. Collini, to approve the aforementioned matter. Motion carried with Mrs. Wilson abstaining.

3. Authorization to advertise for bids regarding the Casino Building roof repair/replacement & masonery re-pointing to be opened at the September 7, 2021 meeting.

Mrs. McClarnon questioned why she was not involved in the project, as she is on the Building & Grounds.

Mr. Collini stated that he had requested the Engineer to call Mrs. McClarnon regarding this matter.

Engineer Bove stated that he would be happy show Mrs. McClarnon, or anyone else, as to what this project entails.

A motion was made by Mr. Holmes, second by Mr. Collini, to authorize the Engineer to advertise for bids on the aforemention project to be opened at the September 7, 2021 meeing. Motion carried with Mrs. Wilson abstaining and Mrs. McClarnon opposing.

4. Authorization to apply for County funds for the demolition of the properties located at 109 & 111 Washington Avenue, and to include a cost estimate and asbestos report.

A motion was made by Mr.Holmes, second by Mr. Collini, to approve the aforementioned request. Motion carried.

5. Authorization to approve a driveway permit for 121 E. Madison (20th Street) and 431 Jackson Avenue (23rd Street) with gravel surfaces. He stated that the ordinance requires driveways to paved with asphalt or cement.

A motion was made by Mr. Holmes, second by Mrs. Wilson, approve the aforementioned driveway permits, contingent upon driveway be either paved with asphalt or cement. Motion carried.

6. Authorization to meet with the Westmoreland Conservation District regarding the Columbia Avenue Street and Parking Lot stormwater mitigation.

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

Engineer Bove stated that the Municipal Authority of Allegheny Township may be seeking approval from Council to connect a sewer line from their residents along the LaBellvue Road in to the Borough's sewer line.

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

BUDGET & FINANCE REPORT:

Chairperson Maszgay distributed budget request forms to all committee chairperson for the 2022 budget of the Borough. He requested that all budget requests be submitted to the Secretary by October 1, 2021.

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

POLICE & PUBLIC SAFETY REPORT:

Chairperson Holmes stated that Patricia Sciulli, 710 Holland Street, has submitted a Persons With Disability Parking Place Application. He stated that she does meet the criteria set forth in the ordinance, and thereby recommends that application be granted.

A motion was made by Mr. Holmes, second by Mr. Collini, to approve Mrs. Sciullo's application to a disability parking place. Motion carried.

Mr. Holmes expressed his appreciation and graditude to all first responders in regards to recent fires in town.

A motion was made by Mrs. Wilson, second by Mr. Maszgay, to accept the Police & Public Safety Report. Motion carried.

BUILDING & GROUNDS REPORT:

No Report

TREE & LIGHT REPORT:

Chairperson McClarnon reported that the Committee is working on a new tree policy. She also stated that when a property owner plants a tree, without Council's permission, said owner would be responsible for the trimming and/or removal of said tree.

Solicitor Loperfito stated that he would prepare an ordinance to reflect the above matter for Council's review.

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

GENERAL GOVERNMENT REPORT:

President Chvala reviewed the expansion of the Sunshine Act which was included in membes's packet. She stated that the Solicitor has summarized Senate Bill No. 554 for Council to review. (See pages 7-A & B)

Mrs. McClarnon requested that Council allow citizens in attendance be permitted to ask questions or make comments at the end of the meeting.

A motion was made by Mrs. McClarnon, second by Mr. Maszgay, to approve the aforemention matter. Motion carried.

A motion was made by Mr. Holmes, second by Mr. Maszgay, to accept the General Government's Report. Motion carried.

RECREATION REPORT:

No Report

SOLICITOR'S REPORT:

Solicitor Loperfito commented on the following nuisance properties:

Attached please find one copy of Senate Bill No. 554, which has been approved by the Pennsylvania Senate. This Bill will become law in September, 2021. This will change the way that we provide public notice. Henceforth, you must provide specific public notice of each matter of agency business that will be or may be the subject of deliberation or official action at the meeting. This is in addition to the location of the meeting and the principal office of the agency. You must make available to individuals in attendance at the meeting a copy of the agenda, which will include a listing of each matter of agency business that will be, or may be, the subject of deliberation or official action at the meeting. (This does not apply to an executive session or exceptions to open meetings.)

The Act further indicates that the agenda must be posted on the website. Please be advised that you cannot take official action on a matter of agency business at a meeting if the matter was not included in the notification. There is a minor exception for "emergency" business however, that must present a "clear and present danger to life or property". Also, there is an exception for agency business that arises within 24 hours of a meeting however, you must have information or documentation to verify that the matter arose within 24 hours of the meeting. If, during the conduct of the meeting, a resident or taxpayer brings a matter of agency business that is not listed on the meeting agenda to the attention of the agency, the agency may take official action to refer that matter to staff, if applicable, for the purpose of researching the matter or for inclusion on the agenda of a future meeting or, if the matter is de minimis in nature and does not involve the expenditure of funds or entering into a contract or an agreement, you may take official action on this matter. This is a very limited exception and only applies as stated.

You can also make limited changes to the agenda. Upon the majority vote of the members present and voting during the conduct of a meeting, an agency may add a matter of agency business to the agenda, but must list in the minutes, the reason for the change and the same must be announced at the meeting before any vote is conducted to make changes to the agenda. This would need to be accomplished at the beginning of the meeting so that the public may have an opportunity to comment on the matter. You then have to amend your agenda and repost the amended agenda on the website and in the offices. This must be done no later than the first business day following the meeting at which the agenda was changed. This is going to seriously change the way that meetings are conducted. Meetings will be much more formal. Only those matters on the agenda will make it to the floor of the meeting. All other matters will be added to agendas for subsequent meetings. I will be glad to review any new agendas before the same are released. I would recommend that you prepare agendas, in this manner, beginning in August so that you have some practice before this new law takes effect in September.

Your attention to this matter is greatly appreciated.



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Larry D. Loperfito, Esq. Geary, Loperfito & Generelli, LLC This is new guidance on SB 544. It goes into effect on August 29, 2021. You will be required to comply with this for the September meeting. Once again, I recommend that you use this for the August meeting and we can review together the agenda to make sure it meets compliance with the new law in anticipation of September.

Specifically, Senate Bill amends Section 709 of the Sunshine Act, relating to public notice, to require an agency in addition to any public notice, to provide the following notification of agency business to be considered at a meeting:

• The Agency shall post the meeting agenda, including a listing of each matter of business, on its

website no later than 24 hours in advance of the meeting.

• The Agency shall post the meeting agenda at the location of the meeting and at the principal office of the Agency.

 The Agency shall make copies of the agenda available to individuals in attendance at the meeting. These new requirements and the various exceptions listed below do not apply to a conference or a working session (under section 707 of the Sunshine Act) or an executive session (under Section 708 of the Sunshine Act).

Senate Bill 554 includes exceptions to when an agency may take official action despite not having provided

the proper notice:

• Emergency Business: An Agency may take official action on a matter relating to a real or potential emergency involving a clear and present danger to life or property regardless of whether public notice was given.

 Business Arising Within 24 Hours Before Meeting: An Agency may take action if the matter arises within a 24-hour period prior to the meeting and is de minimis in nature and does not involve

expenditure of funds or entering into a contract or agreement by the agency.

• Business Arising During Meeting: If during the meeting a resident or taxpayer brings a matter of business not listed, the agency may take action to refer the matter to staff for inclusion on a future agenda or if the matter is de minimis in nature and does not involve expenditure of funds or entering into a contract, the agency may take official action.

• Changes to Agenda: Upon a majority vote of individuals present and voting, an agency may add a matter of agency business. Reasons for such change must be announced at the meeting prior to the vote to change the agenda. The agency may then take official action on the added agenda item(s). Thereafter, the amended agenda must be posted on the agency's website and at the principal office no later than the first business day following the meeting.



Larry D. Loperfito, Esq. Geary, Loperfito & Generelli, LLC 159 Lincoln Avenue Vandergrift, PA 15690 (724) 568-3694 (724) 568-2500 (Fax) <u>ldl@gllawyers.com</u>

- 1. 111 Washington Avenue, Twin County Lodge, is scheduled for court hearing on August 12, 2021, at which time, the Borough Engineer will testify on the condition of said property and a need to abate this nuisance.
- 2. In regards to 326 Longfellow Street and 3371/2, he stated that he will need to provide a new Release and Right of Entry for the County.

Solicitor Loperfito stated the issue with chickens in the valley is a hot topic. He recommended that Council amend the Borough's Zoning Ordinance to provide a Special Exception for this matter with certain conditions.

Following a discussion of this matter, President Chvala created a "Special Chicken Committee" to be chaired by Mrs. McClarnon, with Mr. Maszgay and Mrs. Wilson as members to the committee create a special "Chicken Committee" for the purpose of said committee to compile a their recommendations and conditions. Motion carried.

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

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Mr. Collini stated that he needed a better explaination as to what can be discussed at an Executive Session of Council. He also questioned whether matters discussed in the Executive Session should not be brought out to the public.

Solicitor Loperfito stated that executive sessions are held to discuss personnel matters, pending litigation matters, discussing certain academic matters, and discussing agency business which, if conducted public, would violate lawful privilege. He also stated that if information in a executive session, if divuldge, could cause harm to the community, persons, and violate the spirit of these sessions.

Solicitor Loperfito stated that he would provide a document on this matter for Mr. Collini.

ADJOURNMENT:

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

The meeting was adjourned at 8:36 pm.

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NOTICE OF ABSTENTION

I, Christine A. Wilson, Councilperson for the Borough of Vandergrift located in the County of Westmoreland and Commonwealth of Pennsylvania, do hereby set forth this affirmative declaration of abstention regarding any matter involving Bove Engineering. I am employed by Bove Engineering and as such, under the Ethics Act, I shall not engage in any restricted activities as is set forth under Section 1103 of the State Ethics Act. Pursuant to said section of the Ethics Act, I set forth this written memorandum, filed with the Borough Secretary of the Borough of Vandergrift advising that I am unable to take any action on a matter involving Bove Engineering. I acknowledge that I have a conflict regarding matters that would financially impact Bove Engineering and cannot participate and must comply with the disclosure requirements of Section 1103(j) of the State Ethics Act. I acknowledge that my conflict in this matter, includes making motions and voting, and also includes actions such as lobbying other members, speaking as to motions or advocating for a certain result.

I do hereby execute this document in accordance with the requirements of the Pennsylvania State Ethics Commission disclosure requirements and apply the same to all actions, on behalf of Bove Engineering which may arise before the Council of the Borough of Vandergrift as of the date, time and meeting identified in the minutes of the Borough meeting.

Christine a Wilson

- BIDS FOR CD PAUTING PROJECT
- To APPLY FOR NEXT YR CD PAUL NO PROject 2022
- BIDS FOR CASIND ROOF

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Christine A. Wilson

- BIDS FOR CD PAVING PROject

- To APPLY FOR NEXT YR CD PAULING PROJECT 2072

- Bids FOR CASING ROOF