

BOROUGH OF VANDERGRIFT  
MINUTES OF THE VANDERGRIFT COUNCIL

MAY 6, 2019

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

MEMBERS PRESENT:

Kathleen Chvala	Casimer Maszgay
Vernon Sciuлло	Lenny Collini
Christine Wilson	

OTHER OFFICIALS:

Barbara Turiak, Mayor	Stephen J. DelleDonne, Secretary
Alaine Generelli, Attorney	Theresa Geltz, Asst. Secretary
Lucien Bove, Engineer	Joseph Caporali, Police Chief

MINUTES:

The Minutes of the March 4, 2019 meeting were approved by motion of Mr. Sciuлло, second by Mr. Collini Motion carried.

VISITORS:

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

Jody Sarno, 227 Whittier Street, addressed Council in regards to the safety of his children at Kennedy Park. He stated that the older youth took his son's back pack and emptied it on the ground. He also stated that the older youth were banging on the port-a-johns.

A resident addressed Council in regards to John Yocum, at 104 Custer Avenue, running drugs all night to a location at 167-B Washington Avenue, and did not want to give her name and address for fear for her live. The resident stated that she has been constantly harassed by Mr. Yocum. Also, Mr. Yocum is beating up the woman how resides with him, the police are called and nothing is done.

Chief Caporali stated that she will not testify against him.

The resident believes that there is a lot of drug traffic going all night long, along with their dog parking all night. The resident also stated that a meth lab exists at 104 Custer Avenue.

President Chvala and Mr. Collini recommending that members of the Police & Public Safety Committee met with this resident for the purpose of review the statements made.

Ashley Henningan, 188 Washington Avenue, on behalf of Frank Souchak, is requesting the police to remove two abandoned vehicles on Washington Avenue.

Chief Caporali stated that one of the vehicles is scheduled to be removed.

Jim Williams, 126 Oregon Avenue, questioned if the water company replaced the bricks on Washington Avenue.

Mrs. Willson stated that the water company placed a stone base where bricks were removed. She stated that the replacement of bricks on pertain to the brick streets in town.

Mr. Williams requested that the potholes in front of the No. 1 Fire Department be patched.

Don Detar, 213 Lowell Street, requested the Chief of Police to sit on his porch for the purpose of observing the speeding problem on his street.

Chief Caporali stated that the Department has utilized a speed recording device and found that no access speeding on this street. He also talked to the neighbors, of whom, indicated no speeding problem.

Deborah Pugliese, 505 ½ Linden Street, requested the Borough to install speed bumps on Kennedy Avenue in order to curb the speeding problem.

Chief Caporali stated that he will direct more patrols in this area.

Melissa Adams, 307 Jackson Avenue, stated that the parks are being ruined by certain individuals. She stated that she loves our parks, but in some instances has taken her children to other parks. She also stated that a problem exists when parents leave their children unattended. In conclusion, she stated that she would like to work with Council to provide a safe and enjoyable place for the children at the Borough parks. Ms. Adams offered the possibility of providing voluntary supervision at the park.

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

24

BOROUGH OF VANDERGRIFT  
2019  
OREGON AVENUE DRAINAGE & STREET RECONSTRUCTION PROJECT  
USING  
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS  
  
BID TABULATION  
(Bids Opened May 6, 2019)

Item	Description	Qty.	Units	Unit Price	Cost	1st		2nd		3rd		4th	
						Bidder Name:	Cost	Bidder Name:	Cost	Bidder Name:	Cost	Bidder Name:	Cost
1	15" HDPE Storm Sewer (4' to 5' deep)	620	LF	\$49.50	\$30,690.00	Daniel's Excavating	\$27,497.00	NorthRock Construction, Inc.	\$37,200.00	A. Falino Construction, Inc.	\$95.47	\$59,191.40	
2	New Catch Basins	6	EA	\$2,750.00	\$16,500.00		\$10,200.00		\$3,200.00		\$3,875.20	\$23,251.20	
3	Endwall for 15" Pipe	1	EA	\$2,750.00	\$2,750.00		\$5,500.00		2,800.00		\$2,800.00	\$3,793.80	\$3,793.80
4	R-5 Rock Level Spreader & Energy Dissipater	110	TN	\$52.00	\$5,720.00		\$4,999.50		\$80.00		\$8,800.00	\$94.85	\$10,433.50
5	Trench Pavement Base Restoration (2" Binder)	285	SY	\$17.75	\$5,058.75		\$15,501.15		\$62.00		\$17,670.00	\$33.71	\$9,607.35
6	6" PVC Drainpipe & Fittings	140	LF	\$10.00	\$1,400.00		\$2,499.00		\$10.00		\$1,400.00	\$17.26	\$2,416.40
7	Inserta-Tees (if needed)	2	EA	\$50.00	\$100.00		\$100.00		\$120.00		\$240.00	\$1,163.12	\$2,326.24
8	Remove Existing Pipe & Backfill	60	LF	\$37.50	\$2,250.00		\$1,000.20		\$30.00		\$1,800.00	\$54.26	\$3,255.60
9	Milling	1,689	SY	\$6.50	\$10,978.50		\$8,495.67		\$3.45		\$5,827.05	\$10.96	\$18,511.44
10	Soft Area Repair	84	SY	\$22.00	\$1,848.00		\$4,200.00		\$90.00		\$7,560.00	\$21.82	\$1,832.88
11	Lamphole Adjustment Riser Rings	2	EA	\$208.00	\$400.00		\$600.00		\$450.00		\$900.00	\$66.09	\$132.18
12	2" Binder Course with Curbs	202	TN	\$90.00	\$18,180.00		\$17,170.00		\$132.00		\$26,664.00	\$96.00	\$19,392.00
13	1 1/2" Wearing Course	156	TN	\$99.80	\$15,568.80		\$18,876.00		\$237.00		\$36,972.00	\$113.09	\$17,642.04
14	Gravel Driveway Restoration	66	TN	\$48.25	\$3,184.50		\$1,848.00		\$68.00		\$4,488.00	\$70.18	\$4,631.88
15	Lawn Surface Restoration	325	SY	\$7.75	\$2,518.75		\$3,705.00		\$10.00		\$3,250.00	\$11.69	\$3,799.25
<b>TOTAL COST OF PROJECT:</b>					<b>\$117,147.30</b>		<b>\$122,191.52</b>		<b>\$174,771.05</b>		<b>\$ 180,217.16</b>		

Note: No bids were received from Tim Fouse Excavation, A. Liberoni, Inc., Sclarotti Development, Meyer Excavating, Inc., Terra Works, Inc., Excavation Contracting by Eremic (DBA Eveready Construction)

OPENING OF BIDS:

At this time, the Secretary opened and read bids received on the Oregon Avenue Drainage & Street Reconstruction Project using CDBG Funds. (See Bid Tabulation-2-A) The Secretary stated that the CDBG funding is approximately \$87,000.

Engineer Bove stated that the low bidder is Nagy Construction in the amount of \$117,147.30. As instructed by the County Planning Department, no award can be made at this time until the County has completed an environmental clearance. He stated that he is able to reduce the bid by 15% and will provide an update at the June meeting, at which time Council can formally act on this matter.

MAYOR'S REPORT:

Mayor Turiak stated that more parents should get involved in the parks in town.

Mayor Turiak wished to thank everyone that participated in the Earth Day clean-up in town. She stated that event had a strong participation of organizations and especially young individuals.

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

SECRETARY'S REPORT:

The Secretary presented two letters from the Westmoreland County Tax Claim Bureau regarding following properties in the Unsold Property Repository. (See page 3A & #B)

Attorney Generelli stated that Mr. Loperfido is recommending that no action be taken on this matter.

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

CODE OFFICER'S REPORT:

Mr. Young reported that 26 notice violations were sent during the month of April. He also stated that he attended two hearings at the magistrate's office.

Mr. Young stated that he is currently sending out numerous grass violations.

Ted Kopas  
Commissioner

Gina Cerilli  
Chairman

3-14  
Charles W. Anderson  
Commissioner

# Westmoreland County Pennsylvania

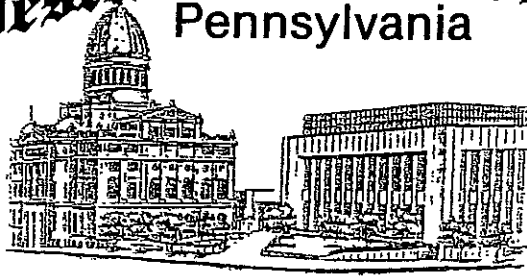
REAL ESTATE  
TAX OFFICE

Director

Deborah T. Chiado

Telephone: 724-830-3420

Fax: 724-853-4628



Deputy Director  
JoAnn Sebastiani

Telephone: 724-830-3422

Date: April 11, 2019

To: Borough of Vandergrift  
Attention: Secretary  
109 Grant Avenue  
Vandergrift, PA 15690

Gentlemen:

A bid has been received by the Westmoreland County Tax Claim Bureau to purchase a property in your taxing district that is presently in the Unsold Property Repository pursuant to Section 627 of the Real Estate Tax Sale Act (72 P.S. 627).

Section 627 requires the written consent of each taxing district where the property is located prior to the sale. No taxing district may unreasonably withhold its consent to the sale of the property.

The information concerning the proposed sale is as follows:

Tax Map No: 37-01-07-0-023

Property Address: 277 Sherman Avenue, Vandergrift, PA 15690

Property Owner: Gary L. McKean

Amount of Bid: \$1,199.43

Please bear in mind that a property is placed in the Repository after it has been exposed to the annual public sale and at least one judicial sale proceedings. Most often, the reason that the property has not been sold is because the amount of the delinquent taxes and judgments of record far exceed the market value of the property. In addition, as long as the property is held in the Repository, it does not generate any real estate taxes.

Accordingly, please take action at your public meeting with regard to this request for consent. Please indicate your consent by countersigning this letter and returning it to this office within 40 days. We must have written consent in order to proceed to place this property back on the tax rolls and for your district to receive tax dollars.

PROSPECTIVE BUYERS:  
Deborah K. Fleming

Very truly yours,

*Deborah T. Chiado*

Deborah T. Chiado  
Director, Tax Office

CONSENTING: \_\_\_\_\_

Ted Kopas  
Commissioner

Gina Cerilli  
Chairman

B-B

Charles W. Anderson  
Commissioner

# Westmoreland County Pennsylvania

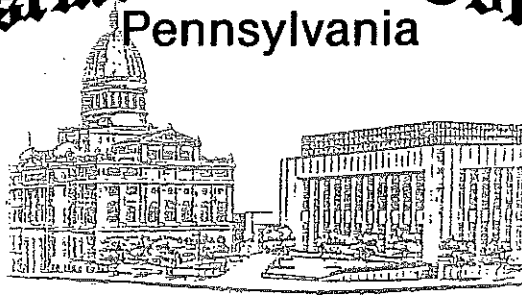
REAL ESTATE  
TAX OFFICE

Director

Deborah T. Chiado

Telephone: 724-830-3420

Fax: 724-853-4628



Deputy Director

JoAnn Sebastiani

Telephone: 724-830-3422

Date: April 4, 2019

To: Borough of Vandergrift  
Attention: Secretary  
109 Grant Avenue  
Vandergrift, PA 15690

Gentlemen:

A bid has been received by the Westmoreland County Tax Claim Bureau to purchase a property in your taxing district that is presently in the Unsold Property Repository pursuant to Section 627 of the Real Estate Tax Sale Act (72 P.S. 627).

Section 627 requires the written consent of each taxing district where the property is located prior to the sale. No taxing district may unreasonably withhold its consent to the sale of the property.

The information concerning the proposed sale is as follows:

Tax Map No: 37-01-09-0-167

Property Address: 423 Emerson Avenue, Vandergrift, PA 15690

Property Owner: Homer L. Mizenko

Amount of Bid: \$1,161.16

Please bear in mind that a property is placed in the Repository after it has been exposed to the annual public sale and at least one judicial sale proceedings. Most often, the reason that the property has not been sold is because the amount of the delinquent taxes and judgments of record far exceed the market value of the property. In addition, as long as the property is held in the Repository, it does not generate any real estate taxes.

Accordingly, please take action at your public meeting with regard to this request for consent. Please indicate your consent by countersigning this letter and returning it to this office within 40 days. We must have written consent in order to proceed to place this property back on the tax rolls and for your district to receive tax dollars.

PROSPECTIVE BUYERS:

Walt Schwarz

Very truly yours,

A handwritten signature in cursive script that reads "Deborah T. Chiado".

Deborah T. Chiado  
Director, Tax Office

CONSENTING: \_\_\_\_\_

A motion was made by Mr. Collini, second by Mr. Sciallo, to accept the Code Officer's Report. Motion carried.

COMMUNICATION & CORRESPONDENCE:

The Secretary presented and read the following correspondence received:

Exhibit 1-A: Natalie Jaworsky, Market Manager-Farmers' Market.

Subject: Permission to use lower portion of Columbia Parking Lot and Teeple Park for this year's Farmers' Market.

A motion was made by Mr. Sciallo, second by Mr. Collini, to approve the aforementioned matter.

REGULAR AND STATED BILLS:

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

SPECIAL BILLS:

None

STREET & SANITATION REPORT:

None

ENGINEER'S REPORT:

Engineer Bove stated that he will review the low bid on the Oregon Avenue Project for the purpose of eliminating certain items to reduce the overall costs.

Engineer Bove stated that the planned 2018 CDBG Street Reconstruction Project will be delayed due the gas company performing work on some of the streets. He stated that the gas company should complete their work by mid June, at which time the 2018 Street Project will begin.

Engineer Bove stated that he will obtain a cost for the repair of a sag at 231 Whittier Street. He stated that this sag is causing a sewer back up to the property at 231 Whittier Street.

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

Exhibit 1-A



Vandergrift Farmers' Market  
PO Box 191  
Spring Church, PA 15686  
724-422-3883



April 17, 2019

Vandergrift Borough Council  
c/o Steve Delledonne, Borough Secretary  
109 Grant Avenue  
Vandergrift, PA 15690

Council Members:

On behalf of the Vandergrift Farmers' Market, I ask your permission to use the lower portion of the Columbia parking lot and Teeple park for the market.

The market will be open from <sup>4</sup>3 p.m. to <sup>6.30</sup>5:30 p.m. every Thursday beginning June 6th and ending October 10th, 2019.

I look forward to hearing from you and thank you in advance for your cooperation.

Cordially,

A handwritten signature in cursive script that reads "Natalie Jaworskyj".

Natalie Jaworskyj  
Market Manager  
724-422-3883



POLICE & PUBLIC SAFETY REPORT:

Chairperson Collini stated that Carrie Richard, 225 Sherman Avenue has submitted a Persons With Disability Parking Place Application. He stated that she does meet the criteria set forth in the ordinance and off street parking is not available. Therefore, he stated that the Committee is recommending that this application be approved.

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

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

BUILDING & GROUNDS REPORT:

Mr. Collini informed Council that he will have the American Flags up at the parks before Memorial Day.

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

TREE & LIGHT REPORT:

Chairperson Maszgay informed Council that he will touch base with former members of the Tree Committee, Barb Gatto and Jerry Stancik for tree related matters.

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

GENERAL GOVERNMENT REPORT:

President Chvala stated that the Borough of Vandergrift, in conjunction with the Westmoreland County Landbank, has filed a grant application with the Department of Conservation & Natural Resources for \$332,000 for the revitalization of Olmstead Commons on Washington Avenue. She stated that it is the intention of Council to revitalize this area and to create a combination green space and enhanced parking area to benefit our community. This sustainable project will include garden features, permeable parking areas, and art features that will benefit this corridor of our town. She stated that Council is proud to be part of this and to see the development through.

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

RECREATION REPORT:

Mr. Collini reported that work has begun to have the pool ready to be opened for the 2019 Summer Season. He stated that Daisha Clayton will again be the pool manager. He also stated that Representative Joseph Petrarca is trying to obtain a grant for the purchase and installation of a pool liner.

In regards to the park areas, Mr. Collini stated that parks look nice and thanked Borough Crew for keeping the grass mowed.

Mr. Collini stated that he would like to have "Movies in the Park".

A motion was made by Mrs. Wilson, second by Mr. Sciallo, to accept the Recreation Report. Motion carried.

SOLICITOR'S REPORT:

Attorney Generelli questioned if the water company had paid the street opening fees.

The Secretary stated that he has not received payment from the water company for the street opening fees.

Ms. Generelli presented proposed Ordinance No. 4-2019 for Council's review. She stated that the ordinance is to provide for policy and rulemaking regarding collections and establishing appropriate penalties for violation of matters affecting the safety and welfare of the citizenry of the Borough and the general public.

Ms. Generelli presented for adoption Resolution No. 3-2019, regarding the Right To Know Law. She stated that this resolution is requesting the state legislature to provide relief from vexatious requesters who cost local taxpayers thousands of dollars. (See page 6-A)

A motion was made by Mr. Sciallo, second by Mrs. Wilson, to adopt Resolution No. 3-2019. Motion carried.

Ms. Generelli addressed the issue of the garage structure at 113 West Adams Avenue. She stated that condition is in bad shape and needs to be resolved. She stated that filing a nuisance action would be very expensive, costing the Borough thousands of dollars in advertisements and notification of the heirs who live in Florida and Virginia.

A motion was made by Mr. Collini, second by Mr. Sciallo, to take any necessary or emergency action as deemed necessary. Motion carried.

Ms. Generelli addressed the issue regarding Emery Tree Service. She stated that this company does not have an available bucket truck to perform the tree removal or trimming.

**BOROUGH OF VANDERGRIFT**

**RESOLUTION NO. 3 OF 2019**

**RESOLUTION TO AMEND THE RIGHT TO KNOW LAW  
AND PROVIDE RELIEF FROM VEXATIOUS  
REQUESTERS**

WHEREAS, the current Pennsylvania Right To Know Law allows a single individual to submit an unlimited amount of requests to a public body; and,

WHEREAS, requests for information are not subject to disclosure of their purpose; and,

WHEREAS, Pennsylvania communities are suffering from vexatious requesters whose intent is to harass and/or overburden the public body and/or public employees; and,

WHEREAS, the current Pennsylvania Right To Know Law states, "citizens should use good judgment in seeking records from the public body and not use this law to harass or overburden a public body from performing its job"; and,

WHEREAS, the current Pennsylvania Right To Know Law provides no relief or recourse for a public body, to deter citizens who use the law to harass or overburden the public body; and,

WHEREAS, communities and public bodies are suffering from the vexatious requesters who cost local taxpayers tens of thousands of dollars in labor, attrition of overwhelmed employees, hiring additional staff to answer requests, and solicitor costs to defend appeals; and,

WHEREAS, the current Right To Know Law is being abused by vexatious requesters who are using the law as a retaliatory weapon, rather than for the public good;

NOW THEREFORE, BE IT RESOLVED, that the Borough of Vandergrift Council urges the Pennsylvania State Legislature to enact an amendment to:


1. Define the words, "harass" and "overburden" in the current Right To Know Law.
2. Alternatively, provide a venue of remedy for a public body to solicit relief from the Office of Open Records or the Courts, to address those who could be recognized as a "Vexatious Requester."

RESOLVED, this 6<sup>th</sup> day of May, 2019 by Borough of Vandergrift Council in open meeting duly assembled at 109 Grant Avenue, Vandergrift, Pennsylvania.

ATTESTED:

 (SEAL)  
Stephen J. DelleDonne, Secretary

**BOROUGH OF VANDERGRIFT**

BY:   
Kathleen Chvala, Council President

She questioned if any contract was signed.

Mr. Maszgay responded that no contract was signed.

Ms. Generalli suggested that the Borough Engineer prepare specifications for the bidding of future tree services.

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

UNFINISHED BUSINESS:

None

NEW BUSINESS:

None

ADJOURNMENT:

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

The meeting was adjourned at 8:15 pm.



COUNCIL MEETING OF May 6, 2019

SECRETARY'S REPORT

TREASURER'S REPORT:

GENERAL FUND

Balance <u>March 31, 2019</u>		<u>\$ 282,740.76</u>
Receipts <u>April - 2019</u>	<u>\$ 488,367.19</u>	
Expenses <u>April - 2019</u>	<u>\$ 216,437.32</u>	
Balance <u>April 30, 2019</u>		<u>\$ 554,670.63</u>

STATE AID FUND

Balance <u>March 31, 2019</u>		<u>\$ 135,587.82</u>
Receipts <u>April - 2019</u>	<u>\$ 53.63</u>	
Expense <u>April - 2019</u>	<u>\$ 8,760.61</u>	
Balance <u>April 30, 2019</u>		<u>\$ 126,880.84</u>

POOL FUND

Balance <u>March 31, 2019</u>		<u>\$ 36,032.03</u>
Receipts <u>April - 2019</u>	<u>\$ 1,369.01</u>	
Expenses <u>April - 2019</u>	<u>\$ 1,608.16</u>	
Balance <u>April 30, 2019</u>		<u>\$ 35,792.88</u>

SEWER RECOVERY FUND

Balance March 31, 2019 \$198,297.50  
Receipts April - 2019 \$ 86,715.91  
Expenses April - 2019 \$ 81,635.31  
Balance April 30, 2019 \$203,378.10

LOCAL SERVICE TAX FUND

Balance March 31, 2019 \$ 11,023.53  
Receipts April - 2019 \$ 1,736.27  
Expenses April - 2019 \$ 3,284.00  
Balance April 30, 2019 \$ 9,495.82

PARKING METER VIOLATIONS

Number Issued 59 Excused 2 Void            *Illegal Parking* 11  
Notices Mailed 0 Tickets to Magistrate 0  
Total Fines Deposited \$ 241.00

TAX COLLECTOR'S REPORT

2019 Property, Occupation Per Capita Tax \$405,204.04  
2019 Wage Tax (Berkheimer) 12,026.38  
2019 Local Service Tax 4,226.10  
2018 Prior Year Taxes 76.12  
Total Taxes Collected April - 2019 \$421,532.64