

BOROUGH OF VANDERGRIFT
MINUTES OF THE VANDERGRIFT COUNCIL MEETING

MARCH 3, 2020

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

MEMBERS PRESENT:

Lenny Collini	Christine Wilson
Thomas Holmes	Karen McClarnon
John Uskuriatis	Casimer Masgay
Kathy Chvala	

OTHER OFFICIALS:

Barbara Turiak, Mayor	Stephen DelleDonne, Secretary
Larry Loperfido, Solicitor	Theresa Geltz, Asst. Secretary
Lucian Bove, Engineer	Joseph Caporali, Police Chief

MINUTES:

The minutes of the February 3, 2020 meeting were approved by motion of by Mr. Holmes, second by Mr. Collini. Motion carried

VISITORS:

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

Jackie Camille, 401 Linden Street, stated that damage to her house is being caused by the neighbor's garage shingles are blowing on to her home.

President Chvala stated that she will have the Code Officer look into this problem.

Lisa Dormine, 226 Franklin Avenue, stated that the Arts Festival is having a planning session at the V.I.P office this Tuesday, beginning at 6:30 pm.

Robert Venum, 303 Linden Street, stated that he will be sponsoring a benefit for the Wheels On Meals on Sunday, May 5, 2020 at the Casino Theater Parking Lot from 11:00 to 3:00 p. (See page 2-A).

Don Detar, 213 Lowell Street, stated that Council needs to do something about the junk & debris accumulating at business coming into town on the Bi-Pass.

President Chvala stated that she would have the Code Officer address this matter.

Jody Sarno, 227 Whittier Street, thanked Council for allowing the "Vandergrift Owls" to perform their park supervisor program in 2019. He then read a letter to Council regarding this matter. (See page 2-B)

Mr. Sarno acknowledged Mr. Uskuaritis's successful rescue efforts regarding the incident at the North Moreland Park.

Ashley Hannigan, 188 Washington Avenue, requested that something needs to be done about the parking on Tenth Street. She stated that the parking on both sides of the street is making it difficult to travel on this road, and also, will make it difficult for ambulance and fire trucks.

Mr. Uskuraitis suggested the Council look into eliminating the parking meters on Washington and the upper portion of Grant Avenues.

MAYOR'S REPORT:

No Report

SECRETARY'S REPORT:

The Secretary presented and reviewed the Borough's Debt Statement as of December 31, 2019. (See page 2-C)

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

CODE OFFICER'S REPORT:

No Report

COMMUNICATIONS & CORRESPONDENCE:

The Secretary presented the following communications received and distributed to Council:

2-14

Vandergrift

MEALS ON WHEELS
BENEFIT
B.B.Q. 1/2 CHICKEN &
B.B.Q. Pulled PORK
DINNER:

Sunday, MAY 5, 2020

Time: 11:00 – 3:00 p.m.

At the Casino Theater Parking Lot

\$10.00 per dinner

- TAKE OUT ONLY -

**Dinner includes: BBQ Chicken or Pulled Pork
Baked Beans, Salt Potatoes, Cole Slaw,
Roll & Butter, & Dessert**

Prepared by Volunteers of Vandergrift Meals on Wheels and Truk-In B.B.Q.

**Pre-sale Tickets available/Pre-Sale pick up by 2:30
call to reserve your tickets**

724-567-7893

RAIN or SHINE

Vandergrift



OWLS

2-B



February 2020

The Vandergrift OWLS appreciates the opportunity to serve in the Borough of Vandergrift in 2019 for our inaugural year of our park supervisor program, and we look forward to continue serving our community in 2020 and beyond.

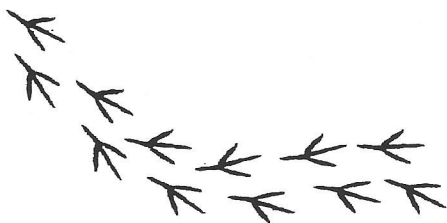
Going forward, our goal is to continue to be a presence at the parks. We will continue to partner with the Vandergrift Police Department for training and direction, and to team up with them for events and activities.

We anticipate the Vandergrift OWLS to be even more impactful this year with more volunteers and a more solid presence in the community, developing relationships with the kids of our community and helping to make the park a safe place for them.

Together, we can encourage kindness and a commitment to making Vandergrift a welcoming place for families.

Sincerely,
Vandergrift OWLS

Jody Sarno
Melissa Adams
Kristen Sarno



VandergriftOWLS@gmail.com

2-c

**BOROUGH OF VANDERGRIFT
DEBT STATEMENT**

Title of Purpose of Debt	Year of Issue	Term	Gross Debt Outstanding at Beginning of Year January 1, 2019	Amount Paid During Year 2018	Gross Debt Outstanding at end of Year December 31, 2019
Police Car	2019	4 yrs.	\$41,065.40	\$10,968.03	\$30,097.37
First Commonw.Bank	2015	5 yrs.	\$18,935.41	\$16,280.21	\$2,655.20
Penn Vest Loan	2016	30 yrs.	\$7,575,203.96	\$243,058.29	\$7,332,145.67
2017 Freightliner Tk	2016	5 yrs.	\$72,077.02	\$36,038.51	\$36,038.51
2017 Mini Street Sweeper	2016	4 yrs.	\$49,241.40	\$22,726.80	\$26,514.60
TOTAL			\$7,756,523.19	\$329,071.84	\$7,427,451.35

Exhibit 1-A: Robert Yascak, Vandergrift Lions Club.

Subject: Request the use of Kennedy Park for their Annual Lions Car Cruise on Sunday, July 26, 2020, from 8:00 am to 4:00 pm.

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

Exhibit 2-A: Dr. Timothy Scott, Superintendent of Kiski Area School District.

Subject: Termination the Lease Agreement regarding the Davis Field facility.

Solicitor Loperfito recommended that Council create a special committee for the purpose of looking into possible uses for this field.

A motion was made by Mrs. McClarnon, second by Mr. Maszgay, to move forward with the Solicitor's recommendation. Motion carried.

Mr. Collini questioned whether Davis Field could be utilized for something other than recreation.

Solicitor Loperfito stated that he will take a look at the deed regarding this property.

Exhibit 3-A: Vanessa Groholski, director of the Vandergrift Public Library.

Subject; Request to use Kennedy Park for the annual East Egg Hunt on Saturday, April 4, 2020, from 11:30 am to 2:30 pm.

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

REGULAR & STATED BILLS:

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

STREET & SANITATION REPORT:

Chairperson Wilson reported that one of the Borough Crew workers has resigned, and therefore, recommended that Council approved the advertisement for the position of a laborer with a CDL license.



Exhibit 1-A

We Serve

Vandergrift Lions Club

Robert Yaszak, Secretary
180 Zdina St
West Leechburg, PA 15656
yaszak@gmail.com
412-289-9519

Mr. Steve DelleDonne
Borough Secretary
100 Grant Ave
Vandergrift, PA 15690
Stevedelledonne@Vandergriftborough.com

Dear Mr DelleDone,

Our Board of directors of the Vandergrift Lions Club met recently to set u this years Annual Lions Car Cruise. It is currently scheduled to be held on Sunday July 26, 2020 from 8:00AM- 4:00PM in Kennedy Park utilizing our pavilion. We are requesting permission for the use of the park for that date.

The Cruise will benefit local charities in the area such as the food bank at the Presbyterian church, New Hope Food Pantry, Marine Corp League Det 1416 that feeds needy Vets during the holidays. As in past years the insurance required will be covered by our club and Lions International. You will receive a copy of the insurance form. We'll also see that the grounds are kept in good order and cleaned up upon completion of the day.

Thank You

Robert Yascak

Club Secretary/ Car cruise Chairman

Kiski Area School District

Learning has no boundaries: Every child, every classroom, every day.

TIMOTHY P. SCOTT, ED.D., SUPERINTENDENT

January 28, 2020

Mrs. Kathy Chvala, Council President
Borough of Vandergrift
109 Grant Avenue
Vandergrift, PA 15690

RE: Termination of Lease Agreement

Dear Ms. Chvala:

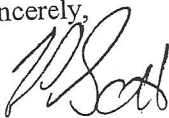
I want to thank you, fellow Council members Mr. Collini and Mrs. Wilson, and Mr. DelleDonne for meeting with Michelle Schmidt and me, on January 22, regarding the Lease Agreement between the Borough of Vandergrift and the Kiski Area School District. We wish to thank you for the continued support of the School District throughout the years. As discussed, the time has come to officially end the Lease Agreement and the usage by the District of Davis Field which is situated in the Borough of Vandergrift, County of Westmoreland in the Commonwealth of Pennsylvania.

Prior to releasing the field back to your control and terminating the Lease Agreement, the District has taken necessary measures to ensure that the field is clean and accessible to members of Vandergrift Borough. The utilities are in the School District's name and in order to work cordially with the Borough and proceed as good neighbors throughout the process, we will continue to keep those utilities in our name until such time as parties find mutually agreeable.

Once again, please find this communication as notice that we wish to terminate the Lease Agreement and return the field to the control and ownership of Vandergrift Borough.

Should you have any questions or concerns or need additional information, please do not hesitate to contact me immediately as we attempt to transition control of Davis Field from Kiski Area School District back to the Borough of Vandergrift.

Sincerely,



Dr. Timothy Scott
Superintendent
Kiski Area School District

c: KASD Board of Directors
Ronald N. Repak, Solicitor

200 Poplar Street - Vandergrift, PA 15690-1491
Phone (724) 842-0454 Fax (724) 842-0444

A Tradition of Excellence

CAVALIERS



Vandergrift Public Library

128C Washington Avenue, Vandergrift, PA 15690

724-568-2212

Exhibit 3-A

January 28, 2020

Vandergrift Borough
Office of the Secretary
109 Grant Avenue
Vandergrift, PA 15690

To Members of Borough Council,

Vandergrift Public Library is beginning planning for the library's annual Easter Egg Hunt. At this event close to 100 local children from toddlers to age 8 participate in an Easter Egg Hunt in Kennedy Park with their families. They search for Easter eggs in the grassy area of the park near the gazebo, get candy and tickets for Easter baskets inside the eggs they find, and are visited by the Easter Bunny. StudeCakers cupcake trailer also sets up that day to provide other treats.

This annual event has always been well attended, providing an activity in the park that is an easy walk or drive for local families. As we begin planning for this event, we are asking for permission to use Kennedy Park on Saturday, April 4 from 11:30 am – 2:30 pm for the Easter Egg Hunt to take place.

If you have any questions, please feel free to contact the library at 724-568-2212.

Sincerely,

Vanessa Groholski
Library Director

Sara McGuire
Children's Program Coordinator

A motion was made by Mrs. Wilson, second by Mr. Holmes, to advertise for the position of a Borough Labor, with a CDL license, work at the Street & Sanitation Department. Motion carried.

Mrs. Wilson stated that a problem exists on 23rd Street regarding the deterioration of the curbing. She explained that this may affect the stability of the supporting wall along the street. She recommendation that the Engineer look into this situation for the purpose of obtaining prices for the repair work.

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

Mrs. Wilson reported that repairs were made to the drainage ditch at the pool and the work was done by Glen Rupert.

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

ENGINEER'S REPORT:

Engineer Bove reported on the following items:

1. Backflow device was installed at 215 Lowell Street by Windfall Energy at a cost of \$4700.00.

A motion was made by Mr. Collini, second by Mr. Holmes, to pay said invoice.

2. Releases have been signed to move forward with razing of 127 Grant Avenue building.

Solicitor Loperfito thanked the Kenndy & Mrasz family for their assistance in this matter, and indicated that the County has placed this building back on the demolition program.

3. The Solicitor will prepare a waiver to be signed by owner of the property at 403 Jackson Ave. before a permit is to be tied into the Borough storm system.

4. Discussion of 215 Bryant Street matter regarding a driveway access. Mr. Holmes stated that the property owner should deal with Allegheny Twp., not the Borough.

5. Have stated the general work required in regards to the Olmstead Commons DNCR Grant.

6. 518 Hancock Avenue Chimney. Inspection was done on 2/25/20. The owner has applied for permits to repair/replace the chimney, as well as the front porch.

7. An inspection was made on 2/25/20 at the property located at 271 Sherman Avenue.
(See page 5-A)

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

BUILDING & GROUNDS REPORT:

No Report

POLICE & PUBLIC SAFETY REPORT:

No Report

TREE & LIGHT REPORT:

Chairperson McClarnon reported that the Tree Committee is moving towards establishing a Shade Commission, of which, is comprised of a group of individuals that previously worked on the Borough's Tree Committee.

Ms. McClarnon stated that there are approximately 29 trees listed to be either trimmed or removed. She stated the Ronald Romagni is helping to determine which are to be either trimmed. She also stated the some of the smaller trees could be trimmed by the Borough Crew.

Mrs. Wilson questioned the removal of the tree located at 157 Jefferson and at 518 Hancock Avenue. She stated that they were healthy trees and should not of been cut down.

Mrs. McClarnon stated that an arborist viewed the trees and recommended that they should be cut.

Mrs. Wilson stated that one can't use arborist to make a determination, of whom, is also performs tree trimming & removal service.

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

GENERAL GOVERNMENT REPORT:

President Chvala reported that Shelby Michalek, Westmoreland County Landbank, will give her presentation on Olmstead Commons at the April 6th meeting.

BOVE ENGINEERING COMPANY**ARMBRUST PROFESSIONAL CENTER****8201 ROUTE 819****GREENSBURG, PA 15601****724-925-9269****FAX: 724-925-1216**

Vandergrift Borough
 109 Grant Avenue
 Vandergrift, PA 15690

February 26, 2020

Attn: Stephen J. DelleDonne, Secretary

Reference: 271 Sherman Avenue, Vandergrift, PA 15690
 Property Conditions
 Tax Map Parcel: 37-01-07-0-020
 Owner: Carrie Leway

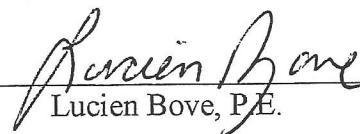
Ladies and Gentlemen:

Due to complaints received by the Borough, on February 25, 2020, Code Enforcement Officer Bryan Young, Mayor Barbara Turiak and I conducted an exterior inspection of the above referenced property. Note that this dwelling and the adjacent dwelling at 273 Sherman Avenue are very close to each other (± 18 " apart) and that the gutters for both dwellings are connected. The dual gutter does not appear to be adequately connected to the roof of 271 Sherman Avenue. Dry rotted/deteriorated shingles were reported to be washed into the gutters. A large delaminated section of concrete leaning upon the exposed foundation wall was observed along the sidewalk between the adjacent structure at 269 Sherman Avenue. The concrete needs to be removed immediately as it is in danger of falling on to the sidewalk. The front porch has support issues and appears to be tilted. The rear porch has stability issues and overgrown vegetation. The rear north-east corner of the foundation is exposed and is being undermined. Further deterioration of the foundation wall at the connection of the adjacent structure at 273 Sherman Avenue was observed (see attached photos). Note that no interior inspection was made at this time.

These factors are contributing to the structure being considered a nuisance to the neighborhood causing adverse conditions for the normal upkeep of adjacent dwellings. We recommend that the property owner be made aware of these conditions and given an appropriate amount of time to make repairs that will remedy these conditions and others which may be later observed by the Code Enforcement Officer to prevent the structure from becoming or continuing to be a nuisance.

If you have any questions or require any additional information, please do not hesitate to contact our office. Thank you.

Sincerely,
BOVE ENGINEERING COMPANY



Lucien Bove, P.E.

LMB:lar

Attachments

copy: Larry D. Loperfito, Esquire, Vandergrift Borough Solicitor
 Property Owner: Carrie Leway, 271 Sherman Avenue

2020-502:VANDERGRIFT 2020/271 Sherman Avenue Letter

President Chvala reported that she has been approached by Joshua Jenks who is requesting permission to use the lower portion of the Columbia Parking and a portion of the parking lot, along Lincoln & Washington during an up-coming movie production called "Rust" produced by Showtime. She stated that the purpose of requesting the parking lots is to house the trucks for a one day on April 9, 2020.

A motion was made by Mr. Holmes, second by Mr. Collini, to refer this matter to the General Government Committee with a report to be provided at the April 6th meeting.

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

RECREATION REPORT:

Mr. Holmes stated that the work on the installation of the pool liner is scheduled to begin March 5th, and should be completed between 4-6 weeks. He reported that there were some issues with the coping work, of which, has been resolved.

Mr. Holmes stated that Valley Plumbing will be working the removal of the old boiler and the installing a new boiler heating system. Also, he stated that all work should be done in order open on the Memorial Weekend.

Mr. Uskuriatis stated that the plan to obtain a swing set for Jackson Playground has been cancelled.

Mr. Uskuriatis stated that Daisha Clayton is willing to perform the pool manager duties for this year. He also stated that Melanie Lockard may perform the assistant pool manager duties for this year

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

SOLICITOR'S REPORT:

Solicitor Loperfito presented the following documents to be enacted regarding the collection of the Borough's Per Capita Tax by a Berkheimer:

1. Ordinance No. 1-2020: Amending Ordinance No. 21-1966 to permit collection of an elected or appointed tax collector.

A motion was made by Mr. Holmes, second by Mr. Collini, to advertise for adoption Ordinance No. 1-2020 for the April 6, 2020 meeting. Motion carried.

BOROUGH OF VANDERGRIFT

ORDINANCE NO: 1 OF 2020

AN ORDINANCE OF THE BOROUGH OF VANDERGRIFT REENACTING ORDINANCE 21-1966 AND AMENDING THE SAME TO TRANSFORM ORDINANCE 21-1966 INTO A PERMANENT ORDINANCE AND TO PERMIT COLLECTION BY THE DULY ELECTED OR APPOINTED TAX COLLECTOR FOR THE BOROUGH OF VANDERGRIFT OR BY ANY ENTITY AS SO DESIGNATED UNDER THE AUTHORITY OF THE COUNCIL OF THE BOROUGH OF VANDERGRIFT, IN ACCORDANCE WITH PENNSYLVANIA STATE TAXING LAWS.

WHEREAS, the Borough of Vandergrift enacted Ordinance 22-1965 enabling the collection of a per capita tax for the Borough of Vandergrift and reenacted the same, by and through Ordinance 21-1966 for tax year 1967; and,

WHEREAS, the Borough of Vandergrift enacted Ordinance 13-1967 reenacting and amending Ordinance 21-1966 to permit the per capita tax ordinance to become a permanent Ordinance; and,

WHEREAS, the Borough deems that that Ordinance 21-1966 shall be reenacted, for the purpose of transforming said Ordinance into a permanent Ordinance for the Borough of Vandergrift and amending the same, as provided herein; and,

WHEREAS, the Borough of Vandergrift is authorized to enact this Ordinance under and pursuant to the powers granted to a Borough government under the Borough Code, 8 Pa.C.S. §101, et. seq. and under and pursuant to the Local Tax Enabling Act, which authorizes political subdivision, including the Borough of Vandergrift, to levy, assess and collect tax on adult residents;

NOW THEREFORE, the Borough of Vandergrift does hereby ORDAIN and ENACT as follows:

1. (Article II, Per Capita Tax, Section 438.4) Ordinance 21-1966, as amended by Ordinance 12-1977, amended September 12, 1977 and codified under the Borough of Vandergrift Code, is hereby repealed in its entirety and is replaced with the following:

“A per capita tax of \$10.00 per annum is hereby levied and assessed upon each resident or inhabitant of Vandergrift Borough, eighteen (18) years of age or older, which said tax shall be in addition to all other taxes levied and assessed by Vandergrift Borough, pursuant to any and all laws authorizing the same as enacted by the Commonwealth of Pennsylvania. The levy of said tax shall be under and pursuant to Pennsylvania law with regard to any applicable exemptions.”

2. Vandergrift Borough Code, Article II, Section 438-5, Collection by Tax Collector is hereby repealed in full and shall be replaced with the following:

“Said tax shall be collected in the manner as approved by Pennsylvania law including, but third party tax collectors as authorized for the Borough of Vandergrift whereby, the Borough of Vandergrift has the power to appoint or hire a third party tax collecting entity to exclusively collect the per capita tax as levied by the Borough of Vandergrift and, from time to time, hereafter, may assign the obligations and duties of the collection of said per capita tax, in a manner as provided by law, without further ordinance or resolution.”

3. Tax collector shall be defined, for purpose of this reenactment and amendment, as any lawful tax collecting entity, elected or appointed, by the Council of the Borough of Vandergrift, to collect taxes, in the manner as provided by Pennsylvania state law.

4. Vandergrift Code Article II, Section 438-10, Appointment of Assessors; List of Persons Subject to Tax is hereby repealed in full and replaced as follows:

“The Council of the Borough of Vandergrift, or any designated lawful agent or lawful taxing authority shall provide a list of all residents and inhabitants of Vandergrift Borough, eighteen (18) years of age or older, which shall be subject to this tax, the same to be provided to the tax collection entity assigned with the duty and obligation, under the law, to collect said per capita tax.”

5. REPEALER: All Ordinances or parts of Ordinances in conflicts herewith be and are hereby repealed, except any Ordinance or parts of Ordinances that authorize greater remedies than this Ordinance are hereby preserved.

6. SEVERABILITY: If any sentence, clause, section or part of this Ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutional, illegal or invalid part or portion shall be removed and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared that it is the intent of the Borough of Vandergrift that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herewith.

7. CONFLICT WITH OTHER LAWS: In the event of a conflict between the requirements of this Ordinance and any state or federal requirements associated with taxing, the regulations promulgated under state and federal law, shall prevail.

8. EFFECTIVE DATE. This Ordinance shall be effective as of the date of enact and execution below.

BOROUGH OF VANDERGRIFT

BY: Kathleen Chivala
KATHLEEN CHIVALA,
Council President

ATTEST:

Stephen J. DelleDonne (SEAL)
STEPHEN J. DELLEDONNE,
Borough Secretary

APPROVED:

Barbara J. Turak
BARBARA TURIK, Mayor

2. Resolution No. 2-2020: Entering into an agreement with Berkheimer to collect the Borough's Per Capita Tax. (See page 7-A)

A motion was made by Mr. Holmes, second by Mr. Collini, to adopt Resolution No. 2-2020. Motion carried.

3. Resolution No. 3-2020: Authorizing the appointment of Stephen DelleDonne as the liason between the Borough and Berkheimer Tax Collection Service. ((See page 7-B)

4. Resolution No. 4-2020: Authorizing Berkheimer to impose and retain costs of collection of delinquent taxes. (See page 7-C)

A motion was made by Mrs. Wilson, second by Mr. Collini, to adopt Resolution No. 4-2020. Motion carried.

5. Resolution No. 5-2020: Appointing Berkheimer as the Borough's tax hearing officer under and pursuant to the Local Taxpayer Bill of Rights. (7-D)

A motion was made by Mr. Collini, second by Mr. Holmes, to adopt Resolution No. 5-2020. Motion carried.

Solicitor Loperfido also presented a copy of the Berkheimer proposed ACH authorization form for the Borough and a copy of the Berkheimer schedule of collection costs to be imposed and added to delinquent taxes under and pursuant to Resolution No. 5-2020. (See pages 7-E to 7-F)

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

UNFINISHED BUSINESS:

Mrs. McClarnon questioned if there is anything the Borough can do to help the emergency services in town.

Mr. Holmes stated that there plans to open a forum with both fire departments, ambulance service and the police regarding this matter. He stated that this still in the works.

Mrs. McClarnon questioned what is the protocol regarding who has keys to the various Borough buildings.

Solicitor Loperfido stated that when a council person leaves office he must turn all keys to the Borough.

RESOLUTION NO. 2 of 2020

A RESOLUTION OF THE GOVERNING BOARD OF VANDERGRIFT BOROUGH, WESTMORELAND COUNTY, PENNSYLVANIA, AUTHORIZING, EMPOWERING AND DIRECTING THE PROPER OFFICERS OF THE GOVERNING BOARD TO EXECUTE AN AGREEMENT WITH BERKHEIMER WHEREUNDER BERKHEIMER IS RETAINED AS THE EXCLUSIVE TAX OFFICER FOR THE COLLECTION, ADMINISTRATION, RECEIPT AND ENFORCEMENT OF THE PROVISIONS OF THE RESPECTIVE TAX ENACTMENT OF THE GOVERNING BOARD LEVYING AND ASSESSING THE PER CAPITA TAX FOR THE TERM HEREIN DEFINED, TOGETHER WITH SUCH EXTENSIONS AS MAY BE AGREED UPON, SAID TAX ENACTMENT HAVING BEEN ADOPTED UNDER AND PURSUANT TO THE AUTHORITY OF THE PENNSYLVANIA LOCAL TAX ENABLING ACT (ACT 511, P.L. 1257); AND APPROVING AND ADOPTING THE RULES AND REGULATIONS PREPARED BY BERKHEIMER TO ADMINISTER AND ENFORCE THE PER CAPITA TAX.

WHEREAS, the Local Tax Enabling Act (LTEA), authorizes certain political subdivisions, including, VANDERGRIFT BOROUGH, WESTMORELAND COUNTY, to levy, assess and collect a tax on adult residents, as therein with more particularity specified, generally and hereinafter referred to as the "PER CAPITA TAX;" and

WHEREAS, VANDERGRIFT BOROUGH, WESTMORELAND COUNTY, by Resolution and/or Ordinance, has levied, assessed and provided for the collection of such PER CAPITA TAX; and

WHEREAS, the LTEA, specifies that any such political subdivision may provide for the creation of such bureaus or the appointment and compensation of such officers, clerks, collectors and other assistants and employees as may be deemed necessary for the assessment and collection of taxes imposed under the authority of that Act; and

WHEREAS, VANDERGRIFT BOROUGH, WESTMORELAND COUNTY, and Berkheimer have negotiated an Agreement whereby and whereunder it will hire Berkheimer to collect the PER CAPITA TAX levied by VANDERGRIFT BOROUGH, WESTMORELAND COUNTY, and

WHEREAS, VANDERGRIFT BOROUGH, WESTMORELAND COUNTY, recognizes the legal obligation and practical necessity for Berkheimer to establish and maintain consistent rules and regulations to be used in the efficient administration and collection of said taxes;

THEREFORE, BE IT RESOLVED that

1. VANDERGRIFT BOROUGH, WESTMORELAND COUNTY hereby appoints BERKHEIMER as its exclusive collector of its PER CAPITA TAX for the initial term commencing February 1, 2020, and ending December 31, 2022, and any subsequent renewal terms thereafter, said initial and renewal periods to include all quarterly and annual collections pertinent to the tax years therein. This appointment resolution shall be deemed to encompass any renewal terms agreed upon by the parties without further reenactment of this resolution or re-appointment.

2. Further, BERKHEIMER is authorized to retain any costs of collection incurred in recovering delinquent taxes and assessed to the delinquent taxpayer as allowed by law.

3. Further, VANDERGRIFT BOROUGH, WESTMORELAND COUNTY, APPROVES AND ADOPTS the Agreement negotiated with Berkheimer for the collection of the PER CAPITA TAX.

4. Any resolution or part of this resolution conflicting with the provisions of this resolution be and the same are hereby repealed to the extent of such conflict.

ENACTED into a RESOLUTION this 2nd day of March, 2020, _____.

BY: Kathleen A Chuala
Kathleen A Chuala
Council President

ATTEST:
Stephen J. Callahan

RESOLUTION 3 of 2020

A RESOLUTION OF THE GOVERNING BOARD OF VANDERGRIFT BOROUGH, WESTMORELAND COUNTY, PENNSYLVANIA, AUTHORIZING, EMPOWERING AND DIRECTING THE PROPER OFFICERS OF THE GOVERNING BOARD TO APPOINT A LIASON BETWEEN IT AND BERKHEIMER, THE DULY APPOINTED COLLECTOR OF THE PER CAPITA TAX FOR THE DISTRICT, FOR THE EXPRESS PURPOSE OF SHARING CONFIDENTIAL TAX INFORMATION WITH THE DISTRICT FOR OFFICIAL PURPOSES.

WHEREAS, the Local Tax Enabling Act ("LTEA"), authorizes certain political subdivisions, including VANDERGRIFT BOROUGH, WESTMORELAND COUNTY, to provide for the creation of such bureaus or the appointment and compensation of such officers, clerks, collectors and other assistants and employees as may be deemed necessary for the assessment and collection of taxes imposed under the authority of that Act; and

WHEREAS, VANDERGRIFT BOROUGH, WESTMORELAND COUNTY, has entered into contractual agreement with BERKHEIMER of Bangor, Pennsylvania, whereby and whereunder VANDERGRIFT BOROUGH, WESTMORELAND COUNTY, appointed Berkheimer to collect PER CAPITA TAX; and

WHEREAS, the LTEA specifically mandates that any information gained by the appointed tax officer, his agents or by any other official or agent of the taxing district, as a result of any declarations, returns, investigations, hearings or verifications required or authorized by the taxing municipality's ordinance or resolution, be kept confidential, except for official purposes; and

WHEREAS, any person who divulges any information which is confidential under the provisions of any ordinance or resolution, upon conviction may be subject to fines and/or imprisonment, upon conviction, and dismissal from office or discharge from employment; and

WHEREAS, Berkheimer requires passage of a resolution by the governing body of VANDERGRIFT BOROUGH, WESTMORELAND COUNTY, specifying that said confidential information is needed for official purposes and absolving Berkheimer from any liability in connection with the release of said confidential information;

NOW, THEREFORE, BE IT RESOLVED that

1. VANDERGRIFT BOROUGH, WESTMORELAND COUNTY hereby appoints Borough Secretary as its authorized representative to make requests upon and receive any and all tax information and records from Berkheimer, relative to the collection of taxes for VANDERGRIFT BOROUGH, WESTMORELAND COUNTY, as desired and deemed necessary by VANDERGRIFT BOROUGH, WESTMORELAND COUNTY, to be used for official purposes only; and

2. Berkheimer is hereby directed to provide and/or transmit any and all tax information and records, or any portion thereof, relating to the collection of taxes for the School District, upon request, to Borough Secretary as the authorized contact representative for it.

3. VANDERGRIFT BOROUGH, WESTMORELAND COUNTY hereby saves harmless, indemnifies and/or absolves Berkheimer from and against any and all liability in connection with the release of said confidential information.

RESOLVED, ENACTED AND ADOPTED at a meeting held on the 2nd day of March, 2020.

BY: Kathleen A Chvala

Kathleen A Chvala

Council President

ATTEST:

RESOLUTION NO. 4 of 2020

A RESOLUTION OF THE GOVERNING BOARD OF VANDERGRIFT BOROUGH, WESTMORELAND COUNTY, PENNSYLVANIA, AUTHORIZING AND EMPOWERING ITS LOCAL TAX COLLECTOR, BERKHEIMER, TO IMPOSE AND RETAIN COSTS OF COLLECTION ON DELINQUENT TAXES.

WHEREAS, VANDERGRIFT BOROUGH, WESTMORELAND COUNTY, by Resolution and/or Ordinance, has levied, assessed and provided for the collection of certain local taxes under and pursuant to the authority of the Act No. 511 of the 1965 General Assembly of the Commonwealth of Pennsylvania, enacted December 31, 1965, and effective January 1, 1966, as amended; and

WHEREAS, VANDERGRIFT BOROUGH, WESTMORELAND COUNTY, has hired Berkheimer to collect said taxes levied by the VANDERGRIFT BOROUGH, WESTMORELAND COUNTY, including taxes that are or may become delinquent; and

WHEREAS, pursuant to Act 192 of the 2003-2004 General Assembly of the Commonwealth of Pennsylvania, VANDERGRIFT BOROUGH, WESTMORELAND COUNTY, has the right to impose a cost of collection on taxes that become delinquent and/or that remain due and unpaid;

NOW, THEREFORE, BE IT RESOLVED that

1. VANDERGRIFT BOROUGH, WESTMORELAND COUNTY, APPROVES AND ADOPTS the Cost of Collection Schedule attached hereto and made apart of this Resolution to be imposed by BERKHEIMER upon any taxpayer whose taxes are or become delinquent and/or remain due and unpaid.
2. BERKHEIMER is authorized to retain said costs of collection set forth in the attached schedule incurred in recovering delinquent taxes and assessed to the delinquent taxpayer as allowed by law.
3. Any resolution or part of this resolution conflicting with the provisions of this resolution be and the same are hereby repealed to the extent of such conflict.

ENACTED into a RESOLUTION this 2nd day of March 2020

BY: Kathleen A Chvala
Kathleen A Chvala
Council President

ATTEST:

RESOLUTION NO. 5 of 2020

A RESOLUTION OF THE GOVERNING BOARD OF VANDERGRIFT BOROUGH, WESTMORELAND COUNTY, PENNSYLVANIA, AUTHORIZING, EMPOWERING AND DIRECTING THE PROPER OFFICERS OF THE GOVERNING BOARD TO APPOINT BERKHEIMER AS ITS TAX HEARING OFFICER UNDER AND PURSUANT TO THE LOCAL TAXPAYERS BILL OF RIGHTS FOR THE EXPRESS PURPOSE OF ADJUDICATING APPEALS THEREUNDER.

WHEREAS, the Local Tax Enabling Act ("LTEA"), authorizes certain political subdivisions, including VANDERGRIFT BOROUGH, WESTMORELAND COUNTY, to levy, assess and collect certain local taxes on taxpayers, for general revenue producing measures; and

WHEREAS, VANDERGRIFT BOROUGH, WESTMORELAND COUNTY, by Resolution and/or Ordinance, has levied, assessed and provided for the collection of the Per Capita Tax; and

WHEREAS, the LTEA specifies that any such political subdivision may provide for the creation of such bureaus or the appointment and compensation of such officers, clerks, collectors and other assistants and employees as may be deemed necessary for the assessment and collection of taxes imposed under the authority of that Act; and

WHEREAS, VANDERGRIFT BOROUGH, WESTMORELAND COUNTY, has appointed Berkheimer to collect the aforementioned taxes levied by it; and

WHEREAS, Act 50 of the 1998 General Assembly of the Commonwealth of Pennsylvania, enacted May 5, 1998, and effective, in part, January 1, 1999, known as the "Local Taxpayers Bill of Rights," requires political subdivisions levying, collecting and assessing taxes of the nature and kind aforementioned to establish an administrative process to receive and make determinations on petitions from taxpayers relating to the assessment, determination or refund of such tax, including without limitation, the appointment of a Tax Hearing Officer by a political subdivision to hear and decide such an appeal; and

WHEREAS, under Section 8432 of such Act of 1998, a political subdivision shall adopt regulations governing practice and procedure under the Local Taxpayers Bill of Rights;

THEREFORE, BE IT RESOLVED, VANDERGRIFT BOROUGH, WESTMORELAND COUNTY, hereby appoints BERKHEIMER as its Tax Hearing Officer and further, adopts and incorporates the Act 50 Regulations as promulgated by Berkheimer in their entirety.

ENACTED into a Resolution this 2nd day of March, 2020.

BY: Kathleen A Chvale

Kathleen A Chvale

Council President

ATTEST:

SCHEDULE OF COLLECTION COSTS TO BE IMPOSED AND ADDED
TO DELINQUENT TAX

TAXPAYER NOTIFICATION AND ADMINISTRATION

1) Taxpayer late filing, Failure to File, Underpayment or Failure to Pay notice	\$25.00
2) Employer late filing notice or underpayment penalty notice for quarterly or annual earned income tax or local services tax return or reminder notice 10% of the tax, penalty and interest due-minimum charge \$50.00	\$50.00
3) Delinquent account servicing fee, including records imaging or other detailed recordkeeping, office staffing, computer equipment and software, office space, telephone, printing and imaging equipment, supplies used to generate delinquent notices and to establish payment plans. 10% of tax, penalty and interest due-minimum charge \$50.00	\$50.00
4) Establishment of Payment Plan (per planned payment)	\$5.00
5) Fee for check returned from bank or failed electronic payment (NSF, Acct. Closed, etc).	\$29.00
6) Notice of intent to file suit.	\$50.00
7) Certified Taxpayer notice prior to wage attachment	\$25.00
8) Employer wage attachment notice.	\$25.00
9) Paid before Service	\$10.00

LITIGATION

1) Prepare Magisterial District Court complaint.	\$75.00
2) Prepare for hearing.	\$100.00
3) Attend Magisterial District Court trial or hearing.	\$150.00
4) Attend Constable Execution sale.	\$350.00
5) Prepare Arbitration complaint/appeal.	\$150.00
6) Attend Trial.	\$350.00
7) Enter default judgment.	\$150.00
8) Issue Sheriff Writ of Execution.	\$250.00
9) Attend Sheriff Sale.	\$250.00
10) Non-litigation legal work.	\$70.00/hr
11) Litigation legal work.	\$80.00/hr
12) All other clerical work not itemized above.	\$60.00/hr

7-G



AUDIT OF EMPLOYERS HOLDING TAXES IN TRUST

1) Tax Assessed Cost:

\$40.00 - 100.00	\$31.25
\$101.00 - 500.00	\$62.50
\$501.00 - 1,000.00	\$125.00
\$1,001.00 - 5,000.00	\$312.50
Over \$5,000.00	\$1,000.00

REAL ESTATE TAXES

1) Pre collection letter	\$45.00
2) Delinquent tax notice	\$40.00
3) Final Notice	\$28.00
4) Lien Satisfaction Fee	\$30.00

Civil Complaint: Court cost is advanced by Berkheimer and billed on a monthly basis to the taxing body. This cost is recovered at the time judgment is issued in favor of the taxing body and is reimbursed to the taxing body when paid by the taxpayer.

Judgment Execution: Cost for either lien filing fee or actual Sheriff Sale is advanced by Berkheimer and billed to the taxing body on a monthly basis. Once the cost is recovered from the taxpayer it is reimbursed to the taxing body. All mechanics in either case are handled by Berkheimer.

Notices, which are in most cases used mutually exclusive from one another, may be sent in any order depending on collection efforts required and associated charges are not listed in order of mailing or use. The fees and cost for notices may be cumulative based upon the number and type of notices that Berkheimer must send to successfully collect the delinquency.

All Costs also pertain to electronic tax returns, payments etc.

Berkheimer retains the right to automatically escalate these fees by 3% (rounded to the nearest dollar) on a yearly basis.



ACH AUTHORIZATION FORM (Completed by PSD for each Tax Type)

Berkheimer is hereby authorized to initiate Electronic Funds Transfers, utilizing the Automated Clearing House System (ACH), for Tax Funds collected for the below named tax district, to the stated depository:

General Information	
PSD Name	
Contact Name	
Email	
Address 1	
Address 2	
City / Zip	
Phone Number	
PSD Code	
Tax Types to Be deposited	

*ACH Confirmations will be sent to this contact

ACH Information	
Name of Financial Institution	
Address 1 of Financial Institution	
Address 2 of Financial Institution	
City / Zip	
Branch Phone Number	
Account Name	
ABA Routing	
Account Number	
Account Type (Checking or Savings)	

PSD Officer's Signature: _____

Name: _____

Title: _____

Date: _____

Mr. Holmes stated that only committee chairpersons should have keys.

NEW BUSINESS:

Mrs. McClarnon questioned what is being done about the Borough's web page, of which needs updated.

Mrs. Chvala stated that after the last meeting the top priority was the e-mail situation. She stated that she talked to the Solicitor, of whom, stated that anyone managing the Borough's website should be insured. She stated that she found an individual, Bill Clemens, who has set up websites for Leechburg, Kiski Twp., Parks Twp. and Manor. However, she stated that he is not insured. She stated that Mr. Clemens could set up the e-mails at a cost of \$200 to \$300.

At this point, she told Jackie to point everything on hold until Council decides on the direction to go forth on this matter.

Mr. Maszgay suggested if the PSAB could provide us with qualified parties who could create a website for the Borough.

Mr. Holmes questioned if the Borough is required to set up a website.

Solicitor Loperfito stated no.

A motion was made by Mr. Collini, second by Mr. Holmes, to put this matter on hold at this time and suspend the website and all e-mails until more information. Motion carried with Mrs. Chvala abstaining.

A motion was made Mrs. McClarnon, second by Mr. Uskuraitis, to open the meeting for public comments. Motion carried.

Mr. Sarno suggested that Council find out who set up East Vandergrift's website.

Mrs. McClarnon questioned the policy on hiring family members as employees of the Borough.

Solicitor Loperfito stated that this matter is guided by the State Ethics Act.

The creation of a Facebook Page with link meetings taped, suggested by Mrs. McClarnon, was put on hold.

President Chvala stated that she, Lucien Bove and Mr. DelleDonne met with Celine Colbert, forester from DCNR, Bureau of Forestry, to discuss the select cutting of timber within the Project 70 area on March 20, 2019. On October 10, 2019 a meeting was held with Dave O'Barto, consulting forester, to review the forest and the viability of moving forward with a

select cutting. She stated that the approximately 70 acres could generate between \$1,000 to \$2,000 per harvestable acre. She also stated that the revenue generated from the select cutting would be designate for recreation purposes only.

A motion was made by Mrs. Wilson, second by Mrs. McClarnon, to move forward with the aforementioned select tree cutting project at Project 70. Motion carried.

President Chvala stated that General Government Committee met with Robert Buchanan, Allusion Brewery, regarding his request to have a food truck in front the business on Grant Avenue. At the time, she stated that the Committee is recommending that this request be granted without any restrictions at this time.

A motion was made by Mrs. McClarnon, second by Mr. Uskuraitis, to approve the aforementioned matter. Motion carried.'

A motion was made by Mr. Holmes, second by Mr. Uskuraitis, to approve the Meals on Wheels Benefit on the lower parking lot. Motion carried.

Mr. Uskuraitis stated that Dr. Yakulis is no longer practicing his business on Washington Avenue. He therefore, questioned the need to continue for parking meters on the street. He also questioned the need for parking meters of Grant Avenue, from Columbia to Franklin.

President Chvala and Mr. Holmes stated that they would look into this matter.

Mr. Collini stated that he will not move forward with a musical event at Kennedy Park to celebrate the Borough's 125th anniversary, as he was informed of another event being held.

At 8:40 pm, a motion was made by Mr. Maszgay, second by Mr. Uskuraitis, to call an executive meeting of Council for the purpose of discussing personnel issue of an up-coming contract negotiation. Motion carried.

At 9:15 pm, a motion was made by Mr. Uskuraitis, second by Mr. Maszgay, to return to the regular order of business and to state that no action was taken during the executive session. Motion carried.

ADJOURNMENT:

A motion was made by Mr. Maszgay, second by Mr. Uskuraitis, to adjourn the meeting. Motion carried.

The meeting was adjourned at 9:16 pm.