

BOROUGH OF VANDERGRIFT

MINUTES OF THE VANDERGRIFT COUNCIL MEETING

JULY 6, 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. Due to the Governor's directive to stay at home, the regular public meeting will take place in a virtual setting utilizing "Zoom" format for online meetings.

MEMBERS PRESENT:

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

OTHER OFFICIALS:

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

MINUTES:

Corrections: Solicitor Generelli stated that Mr. Uskuraitis's notice of abstention should be included in the meetings.

Mrs. Wilson, page 5, stated that the vote to open the pool was approved with 6 members voting in favor and one member casting a vote no. Mr. Maszgay voted in favor.

The minutes of the June 1, 2020 meeting were approved by motion of by Mr. Holmes, second by, Mrs. Wilson.. Motion carried with corrections.

VISITORS:

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

Marilee Kessler, 426 Hancock Avenue, questioned how copies of the Council minutes can be available to the public.

Lisa Dormire, chairperson of the Arts Festival, stated that the V.I.P will be sponsoring a virtual web based arts festival on Saturday, July 25th from 2-6 pm. She requested Council's approval to have four food trucks parked at the former JC Penny's Building on Grant Avenue. She also stated that social distancing will be in effect.

Brian Wolyniak, Penn State forestry spoke on behalf of the development of a Shade Tree Commission for the Borough. He stated that this will numerous benefits to insure an urban tree canopy for the Borough.

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

MAYOR'S REPORT:

No Report

SECRETARY'S REPORT:

The Secretary stated that he received an e-mail from Chloe Kruse requesting permission to use Franklin Park to host her Girl Scout Troup meetings starting on July 13th for an hour. She stated that future meetings would be held every other Monday.

A motion was made by Mr. Holmes, second by Mr. Collini, to approve the aforementioned request as long as they follow the CDC rules and regulations. Motion carried.

The Secretary presented an e-mail from Bethany Jones, outreach pastor at The Rock Church Kiski Valley, requesting to use Kennedy Park for free community fun. She stated that this activity would be held on a Sunday afternoon per month in July, August and September. She stated that they will set up bounce houses for the kids to enjoy and that social distancing will be follow, with the wearing of masks, and frequent sanitizing.

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

CODE OFFICER'S REPORT:

The Secretary reported that the Code Officer issued 38 violation notices during the month of June.

A motion was made by Mrs. Wilson, second by Mr. Holmes, to accept the Code Officer's Report. Motion carried.

COMMUNICATIONS & CORRESPONDENCE:

None

REGULAR & STATED BILLS:

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

SPECIAL BILLS:

None

STREET & SANITATION REPORT:

Chairperson Wilson reported on an emergency sewer repair at 915 Cooper Street. She stated that the gas company bored a hole through the property owner's lateral, of which caused a sewer back-up. She stated that the gas company is agreeing to this situation and is willing to pay for the repairs.

Mrs. Wilson reported that the Borough Crew will begin the recycling program.

Mrs. Wilson stated that William Atkinson has been hired as a part-time worker.

Mrs. Wilson requested Council to adopt Resolution No.9-2020 whereby setting a policy and procedure for the sale of surplus property with a value of less than \$20-00.00. (See page 3-A)

A motion was made by Mrs. Wilson, second by Mr. Holmes, to adopt Resolution No. 9-2020. Motion carried.

Mrs. Wilson stated that she had talked to the County Planning Department in regards to CDBG Street Reconstruction Project for 2020. She stated that Department has approved \$119,111 for a street project on Franklin Avenue, from St. Gertrude's Church to Hamilton Avenue. She stated that approval to proceed may be too late this year, but will not affect the Borough's 2021, 2022 & 2022 CDBG allocations.

If the Multimodal Grant is approved, Mrs. Wilson stated that this would eliminate 2-3 streets off the 2021 CDBG list.

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

BOROUGH OF VANDERGRIFT
RESOLUTION NO. 9 OF 2020

A RESOLUTION OF THE BOROUGH OF VANDERGRIFT, COUNTY OF WESTMORELAND AND COMMONWEALTH OF PENNSYLVANIA PROVIDING FOR THE SALE OF SURPLUS PERSONAL PROPERTY, EITHER INDIVIDUAL ITEMS OR LOTS OF ITEMS, OF AN ESTIMATED FAIR MARKET VALUE OF LESS THAN \$2,000.00 PURSUANT TO PENNSYLVANIA CONSOLIDATED STATUTE TITLE 8, BOROUGH AND INCORPORATED TOWNS, SECTION 1201.2(B).

WHEREAS, the Borough of Vandergrift is desirous of setting a policy and procedure for the sale of surplus personal items with a value less than \$2,000.00;

WHEREAS, pursuant to Section 1201.2(b), of the Pennsylvania Consolidated Statutes Title 8, there is an exception for small value sales that allows the Council to, by resolution, adopt a procedure for such sale;

NOW THEREFORE, BE IT RESOLVED, and ordained that the Council of the Borough of Vandergrift hereby shall submit all surplus personal property, either individual items or lots of items, of an estimated fair market value of less than \$2,000.00 to public auction by means of an online or electronic auction sale, with the purchase price and shipping cost to be paid by the highest bidder immediately. The approval of Council shall not be required for any individual sale that should be made in conformity with this procedure.

BE IT HEREBY RESOLVED, during a duly advertised public meeting of the Council of the Borough of Vandergrift held on this 6th day of July 2020. A quorum being duly convened.

BOROUGH OF VANDERGRIFT

BY: Kathleen Chvala
KATHLEEN CHVALA,
Council President

ATTEST:

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

ENGINEER'S REPORT:

Engineer Lucian Bove presented and reviewed in summary matters which were addressed during the month of June. (See page 4-A)

Mr. Bove stated that the Multimodal Transportation Fund Grant for Street Reconstruction must be filed by July 31, 2020. He stated that the project includes Grant Avenue, from Columbia to Washington; Sherman Avenue, from Hamilton to 8th; Pennsylvania Avenue, from LaBellvue Road to Delaware; 5th Street, from Sherman to 11th and McKinley Avenue, from Grant to Washington.

Mr. Bove stated that the estimated cost of this project is \$165,789. The Grant requires a 30% match from the Borough. Therefore, the Grant amount is \$116,039 and the Borough funding is \$49,750.00.

Mr. Bove stated that he has received support letters from Representative Petrarca, Senator Brewster and the Vandergrift Planning Commission.

Mr. Bove presented for adoption Resolution No. 8-2020, whereby the Borough requests a Multimodal Transportation Fund grant of \$116,039 from the Commonwealth Financing Authority for a Street Reconstruction & Surface Improvement. (4-B & \$-C)

A motion was made by Mr. Holmes, second by Mrs. Wilson, to adopt Resolution No. 8-2020. Motion carried.

Mr. Bove stated that he will need an agreement between the Borough and Bove Engineering regarding work performed on the Olmstead Project. He stated that he would like the date of the agreement coincide with the time he began working on this project.

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

BUDGET & FINANCE REPORT:

No Report

POLICE & PUBLIC SAFETY REPORT:

Chairperson Holmes stated that Judy Holt, 102 West Adams Avenue, has submitted a Persons with Disability Handicap Parking Place Application. He stated that she meets the criteria set forth in this ordinance, and is recommended that her request be approved.

4-A

boveengineering@comcast.net

7/2/2020 6:55 PM

RE: Engineer Report

To karenmcclarnon@vandergriftborough.com • lennycollini@vandergriftborough.com • kathychvala@vandergriftborough.com • casimermaszgay@vandergriftborough.com • tomholmes@vandergriftborough.com • johnuskuraitis@gmail.com • christinewilson@vandergriftborough.com • vgborosec@comcast.net • stevedelledonne@vandergriftborough.com • Kathy Chvala <kchvala222@comcast.net> Copy dboveengineering@comcast.net • Larry Loperfito <ldl@gllawyers.com> • Alaine Generelli <agg@gllawyers.com>

Vandergrift Borough Council and Staff,

The following is a summary and status of the items worked on over the month of June and items requiring action at the July meeting. I will be available to attend the meeting in person and to respond to any questions.

215 Bryant Street Proposed Driveway Concerns - Follow-up

The application was revised. The driveway permit preliminary approval was issued June 6th to proceed with construction. An inspection fee will be required prior to final approval after the driveway has been constructed according to the approved permit. The work has not yet started as of July 2nd.

No. 1 Fire Dept. Pillar Trail Repair

We met with Jed from Jedco on July 2nd to review the work needs. The Pillar repair work is scheduled to start on or about Tuesday July 7th.

Vandergrift Pool

Payment request processing & reimbursement request submitted.

Multimodal Grant Application

95% complete. We are awaiting the resolution to complete the application submittal.

Driveway Ordinance

We worked with the solicitor's office to help with items needed for this ordinance.

Stormwater Management Ordinance

We have a meeting scheduled to discuss this required ordinance on July 7 if possible.

912 Holland Street Sewer Backup and Main Line Cleaning

See attached report on this matter.

ITEMS REQUIRING ACTION OR DISCUSSION

Resolution NO. 8 of 2020 – As discussed and submitted previously for the Multimodal Grant Application. Please use the latest revised resolution.

Driveway Permit Ordinance – To be presented under the Solicitors' report.

**Vandergrift Borough
Westmoreland County
Resolution No. 8 of 2020**

Be it RESOLVED, that the Borough of Vandergrift of Westmoreland County hereby request a Multimodal Transportation Fund grant of \$116,039 from the Commonwealth Financing Authority to be used for:

Street Reconstruction and Surface Improvement

Be it FURTHER RESOLVED, that the Applicant does hereby designate Kathy Chvala, President and/or Lenny Collini, Vice President as the authorized official(s) to execute all documents and agreements between the Borough of Vandergrift and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

I, Stephen J. DelleDonne, duly qualified Secretary of the Borough of Vandergrift, Westmoreland County, PA, hereby certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the Vandergrift Council at a regular meeting held July 6, 2020 and said Resolution has been recorded in the Minutes of the Borough of Vandergrift and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of the Borough of Vandergrift, this 6th day of July, 2020.

Vandergrift Borough
Name of Applicant

Westmoreland County
County



Stephen J. DelleDonne, Secretary

BE IT HEREBY RESOLVED, during a duly advertised public meeting of the Council of the Borough of Vandergrift held on this 6th day of July 2020. A quorum being duly convened.

BOROUGH OF VANDERGRIFT

BY: Kathleen Chvala
KATHLEEN CHVALA,
Council President

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

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

Mr. Holmes requested that Council move to adopt an ordinance to prohibit parking on both sides of 23rd Street, from West Madison, South 325 feet.

Mr. Collini suggested to extend the prohibiting of parking on 23rd Street to Monroe Avenue.

A motion was made by Mrs. Wilson, second by Mrs. Wilson, to adopt an ordinance to prohibit parking on both sides of 23rd Street, from West Madison to Monroe. Motion carried.

Police Chief Caporali reported that during the month of June, 468 calls were answered, 16 traffic citations and 4 non-traffic citations were issued, 8 arrests were performed and 11 illegal parking tickets were issued.

Mr. Holmes thanked the EMS, the two fire departments, and the police departments for doing a great job during the recent protest movement in town. He also stated that there was no property damage during the protest.

Mr. Holmes also commended the fire departments, EMS, and the police for doing a great at the house fire located at 108-110 Custer Avenue.

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

BUILDING & GROUNDS REPORT:

No Report

TREE & LIGHT REPORT:

Chairperson McClarnon reported that there are approximately 30 trees need trimmed and 12 trees removed in town. She questioned if the Borough Crew could perform the trimming of some of the trees.

Mrs. Wilson stated that the Borough Crew does not have the time to trim trees, and that they do not have expertise to properly trim and shape the trees. She stated that she will remove the suckers on the trees.

Mrs. Wilson stated that John Wallace, 210 Washington Avenue, stated that he concerned about an Oak Tree in the Franklin Playground splitting and falling onto his garage.

Mrs. McClarnon stated that she would look into this matter.

Mrs. Wilson stated that a large tree limb has fallen at 1008 Hancock Avenue. She stated the Glen Rupert will remove the limb, but question if the Borough is responsible for this tree that lies within an unopened street.

Solicitor Generelli stated that she would look into this question to determine who is responsible.

Mrs. McClarnon stated that she would take care of the tree suckers.

Solicitor Generelli recommended that the Tree Committee obtain bids to trim and remove the 30 plus trees for the purpose of establish a cost.

Mrs. McClarnon stated that she would obtain bids.

Mr. Uskuraitis stated that there are two lights out in Kennedy Park near Monroe & Jackson Avenues.

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

GENERAL GOVERNMENT REPORT:

President Chvala read presented and read a prepared statement regarding recent protest event in town. (See page 6-A)

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

RECREATION REPORT:

Chairperson Uskuraitis stated that Sandra Lynn's Dance Studio will be using the stage at Kennedy Park until the end of the week. He stated that have provided the proper certificates of insurance and have been cleaning and sanitizing the area.

Mr. Uskuraitis reported that the pool has been selling out every day.

Mr. Uskuraitis reported that kids are drinking the water out of the rain barrels at Franklin Playground. He stated that signs will be erected to indicate that the water from barrels is not safe to drink.

Mrs. McClarnon stated that Chris Dongiovanni and Anyah Booker are requesting a pay raise of two dollars an hour. She stated that the raised is based on they being the older of all lifeguards and for the great job they do.

KATHY CHVALA
PRESIDENT BOROUGH COUNCIL

6-A
BARBARA TURIAK
MAYOR

Borough of Vandergrift

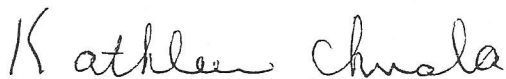
LARRY D. LOPERFITO
SOLICITOR

Office of the Secretary
Stephen J. DelleDonne
Phone: 724-567-7818
109 Grant Avenue
Vandergrift, PA 15690
www.vandergriftborough.com

JOSEPH M. CAPORALI
CHIEF OF POLICE

On June 4, 2020 and June 7, 2020, Vandergrift was approached to have a BLM march. Both these marches were peaceful, with those wishing to be heard and voicing their concern for a need for change. Watching the news for several days before this march was mentioned, there was a lot of peaceful marches where others came in and destroyed several businesses, property, vehicles, looting and a dangerous environment. We needed to be prepared for the worst while hoping for the best. Our Chief of Police, Mr. Joseph Caporali, headed and organized our town's protection. I am so proud of Joe and all involved. I wish to thank Joe Caporali, Tony DePanicis, Joe Gray, Billy Moore, Nate Rigatti, Mark Lieu, Christian Disciscio, Jerrod Thompson, Willy Weber, Mike Carricato and Ada Vega from the Vandergrift Police Department. Also our Emergency Management Coordinator Steve Petoka and Assistant Management Coordinator Chris Hannigan. Our #1 and #2 Fire Departments. Jim Caporelli heading the ambulance crew. Pennsylvania State Police from Kiski, Pennsylvania State Police from Greenburg, Pennsylvania State Police from Indiana. Police from Allegheny Township, Police from Washington Township, Police from Parks Township, Police from Gilpin Township and Police from Apollo. Officers from Westmorland County Sheriff's office and police from Westmorland County Park (K-9). Some of these officers were working a double shift. Everyone's demeanor was calm and helpful. We were part of the marchers and were there to help them. Supplied water when needed. I also wish to thank Dollar General who supplied water and snacks. Vocelli's who supplied pizza, Meals-On-Wheels who supplied Donuts Steve Callipare who supplied Pizza and water JJ Uskuritis who supplied pizza. Mayor Turiak who supplied water. Tim Turner who supplied sandwich rings and water

All the best to everyone of you



Kathleen Chvala

Vandergrift Council President

President Chvala stated that this matter should be given to the Budget & Finance Committee.

Mr. Uskuraitis stated that he and Mr. Collini have been discussing the idea of having a mural painted on the back wall of stage at Kennedy Park to commemorate the Borough's 125th Anniversary. He stated that Alex Chaffin has indicated that he would create the mural at a fee of \$3500.

Mrs. McClarnon stated that the cost of the mural could be funded by local businesses.

Mr. Uskuraitis recommended that this meeting be recessed until Monday, July 13th, at 7:00 pm for the purpose of having Mr. Chaffin present samples of a mural.

In regards to the Virtual Arts Festival on July 25th, a motion was made by Mr. Collini, second by Mr. Holmes, to approve the event. Motion carried.

In regards to the request of the Rock Church Kiski Valley request to use Kennedy Park, a motion was made by Mrs. McClarnon, second by Mr. Uskuraitis, to not approve said request.

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

SOLICITOR'S REPORT:

Solicitor Generelli reported that she would like to move forward in adopting a Burning Ordinance for the Borough. She stated that she would like some type of input as to what limits to be included in the ordinance.

Mr. Uskuraitis suggested that she obtain copies of the burning ordinances from New Kensington and Arnold.

Mrs. McClarnon suggested this matter be turned over to the Police & Public Safety Report.

Mr. Holmes stated that the ordinance can't be a one size fits all due to area of West Vandergrit having a larger expanse than the other sections of town. He stated that he would work with the Solicitor on this matter. He also stated that no trash should be burned in the Borough.

Solicitor Generelli stated that she may be able to work from a previous draft that can be referenced. (See page 7-A thru 7-C) which reflect recommended changes to her draft.)

Solicitor Generelli presented an Emergency Disaser Emergency that will extend the current one until August 3, 2020.

DECLARATION OF DISASTER EMERGENCY

WHEREAS, on or about March 16, 2020, the Coronavirus (hereinafter referred to as "COVID-19") pandemic has caused or threatens to cause injury, damage and suffering to the persons and property of the Borough of Vandergrift; and,

WHEREAS, the World Health Organization and the Centers for Disease Control and Prevention (hereinafter referred to as the "CDC") have declared COVID-19 a "public health emergency of international concern," and the U.S. Department of Health and Human Services (hereinafter referred to as "HHS") Secretary has declared that COVID-19 creates a public health emergency; and

WHEREAS, it is critical to prepare for and respond to suspected or confirmed cases in the Borough of Vandergrift and to implement measures to mitigate the spread of COVID-19; and

WHEREAS, the COVID-19 pandemic threatens to endanger the health, safety and welfare of a substantial number of persons residing in the Borough of Vandergrift, and threatens to create problems greater in scope than the Borough of Vandergrift may be able to resolve; and,

WHEREAS, this threat of imminent disaster and emergency has the potential to cause significant adverse impacts upon the population throughout the Borough; and

WHEREAS, emergency management measures are required to reduce the severity of this disaster and to protect the health, safety and welfare of affected residents in the Borough of Vandergrift.

WHEREAS, the Declaration is set to expire July 6, 2020 at 7:00 p.m.;

WHEREAS, the Council of the Borough of Vandergrift desires to extend the Declaration due to ongoing need related to the COVID-19 pandemic;

NOW THEREFORE, we, the undersigned Mayor and Council of the Borough of Vandergrift, pursuant to the provisions of Section 7501 of the Pennsylvania Emergency Management Services Code (35 Pa.C.S. Section 7501), as amended, do hereby proclaim the existence of a disaster emergency in the Borough of Vandergrift.

FURTHER, we, the undersigned, direct the following:

1. The Borough of Vandergrift Emergency Management Coordinators shall coordinate the activities of the emergency response, to take all appropriate actions needed to alleviate the effects of this disaster, to aid in the restoration of essential public services, and to take any other emergency response actions deemed necessary to respond to this emergency.

2. Officials of the Borough of Vandergrift shall act as necessary to meet the current demands of this emergency; namely, by the employment of temporary workers, by the rental of equipment, by the purchase of supplies and materials, and by entering into such contract and agreements for the performance of public work as may be required to meet the emergency, all without

regard to those time-consuming procedures and formalities normally prescribed by law, mandatory constitutional requirements excepted.

3. In order to mitigate the effects of the COVID-19 pandemic on public health, the following measures are hereby adopted originally declared by the Mayor of the Borough of Vandergrift effective 12:01 A.M. on April 28, 2020, amended, by act of the Borough of Vandergrift to expire July 6, 2020 at 7:00 P.M., and hereby extended until Monday, August 3, 2020 at 7:00 p.m. unless extended or terminated by the Council of the Borough of Vandergrift.

- A. The Borough of Vandergrift requires that utility customers and taxpayers mail in their payments. As always, a receipt will be mailed to you if you provide a self-addressed stamped envelope with your payment. The Borough Building front entrance will remain closed until further notice. Due dates however have not been changed at this time.
- B. Borough municipal offices will remain open during this time; however, walk-in visits are suspended until further notice. Borough employees are available to answer questions via telephone or email, during regular business hours. The department remains open for emergencies and by appointment.
- C. Meetings of Municipal Authorities, Board and Commissions shall resume with CDC recommended guidance in place.
- D. Borough buildings and properties are available for limited use by outside groups at this time.
- E. Monthly in-person Borough Council meetings shall be attended by necessary personnel, while maintaining social distancing and other safety measures as recommended by the CDC, with the public to attend and participate virtually. A live-stream meeting through Facebook Live, Skype, Zoom, GoToMeeting or another platform shall be scheduled, with an alternative method of public comment, to satisfy the requirements of the Sunshine Act. Council shall ensure that a reasonably accessible method of public participation is utilized and it is clearly explained to the public in advance of and during the meeting.
- F. In accord with the guidance as provided by the Centers for Disease Control and Prevention, social distancing and the use of masks are encouraged.

4. This declaration is hereby declared amended and extended upon approval of the Council of the Borough of Vandergrift this 6th day of July 2020.


KATHLEEN CHVALA,
Council President

Christine A. Wilson
CHRISTINE A. WILSON

Lenny Collini
LENNY COLLINI

KAREN MCCLARNON

CASIMER H. MASZGAY

John Uskuraitis
JOHN USKURAITIS

THOMAS HOLMES

ATTEST:

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

APPROVED:

Barbara Turiak (SEAL)
BARBARA TURIAK, Mayor

Mrs. McClarnon recommended that this matter be extended until August 3rd.

A motion was made by Mr. Collini, second by Mr. Uskuraitis, to adopt the proposed Emergency Disaster Emergency. Motion carried.

Solicitor Generelli presented a draft ordinance whereby it creates a Shade Commission in the Borough of Vandergrift. (See pages 8-A thru 8-E)

Mrs. Clarnon questioned if anyone had contacted the Solicitor regarding any issues with this ordinance.

Solicitor Generelli stated that she had not received any comments.

I had

Following a lengthy discussion of this ordinance, a motion was made by Mrs. McClarnon to adopt the proposed Shade Tree Ordinance.

The Secretary stated that the motion on the floor died for failure to receive a second.

Solicitor Generelli stated that a draft driveway ordinance has been sent to members of Council's for review. She stated that the Engineer has requested a modification of Section K to include existing driveways.

In regards to the Multimodal Transportation Fund Grant, Solicitor Generelli will require Mrs. Chvala and Mr. Collini sign everything.

Solicitor Generelli reported that the Donald Knepshield and the Rokttelscheck & Guyer properties have been placed on the Judicial Sale.

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

UNFINISHED BUSINESS:

Mrs. McClarnon questioned were are we with the issue on a key policy.

Solicitor Generelli stated that she never received anything on a key police.

President Chvala stated that upon advise of the attorney representing members of Council an the on-going suit, no comments can be made at this time on this issue.

NEW BUSINESS:

Mrs. Wilson thanked the Borough Crew for a job well done in cleaning the downtown area for the car show event.

**BOROUGH OF VANDERGIFT
ORDINANCE NO: __ OF 2020**

AN ORDINANCE OF THE BOROUGH OF VANDERGRIFT, COUNTY OF WESTMORELAND AND COMMONWEALTH OF PENNSYLVANIA AUTHORIZING THE CREATION OF A SHADE TREE COMMISSION AND THE ADOPTION OF RULES AND STANDARDS FOR THE PLANTING, MAINTENANCE AND REMOVAL OF SHADE TREES WITHIN THE PUBLIC RIGHT OF WAY OF THE BOROUGH OF VANDERGRIFT.

WHEREAS, the Borough recognizes that properly planted, maintained and protected shade trees add to the aesthetics and the health and welfare of the citizens of the Borough; and,

WHEREAS, the Borough, under and pursuant to the powers granted to it pursuant to Title 8, Pennsylvania Statutes, Section 101, et. seq., and including the power granted to Borough governments pursuant to 8 P.S. §2720, et seq., ordains and enacts this Ordinance;

NOW THEREFORE, it is the intent of the Council of the Borough of Vandergrift, to ordain and enact an Ordinance to establish a Shade Tree Commission for the Borough, define the mission of that Commission and establish rules and regulations to encourage the planting of appropriate shade trees, provide for the proper maintenance of trees, protect shade trees and provide guidelines for the removal and replacement of shade trees.

SECTION 1. TITLE

This Ordinance shall be known as the Shade Tree Ordinance of the Borough of Vandergrift.

SECTION 2. DEFINITIONS AND INTERPRETATIONS

1. In interpreting this ordinance, the present tense includes the future; the singular number includes the plural and the plural includes the singular; and the work person includes natural person, partnership, firm, association and corporation.
 - a. **BOROUGH** - The Borough of Vandergrift.
 - b. **BOROUGH COUNCIL** - The duly appointed members of the Borough Council of the Borough of Vandergrift.
 - c. **COMMISSION** - The duly appointed members of the Shade Tree Commission of the Borough of Vandergrift.
 - d. **PERSON** - Any individual, company, corporation, partnership or other entity.

- e. RIGHT-OF-WAY – The area of any public street, road, highway or other publicly held thoroughfare within the corporate limits of the Borough of Vandergrift that has been designated by law as a public right-of-way.
- f. SHADE TREE – Any tree, shrub or other woody plant, which is planted in any right of way, or has at least one half of trunk, branches or roots extending into any right of way.

SECTION 3. SHADE TREE COMMISSION

1. A Shade Tree Commission is hereby established by the Council of the Borough of Vandergrift. The Commission shall consist of three (3) members who are citizens of the Borough, appointed to serve five (5) year terms. The members of this current Shade Tree Commission in existence at the adoption of this ordinance shall continue to serve the remainder of their term, and then shall be re-appointed or replaced in accordance with this ordinance on a staggered term.
2. The Shade Tree Commission shall have the power to issue permits required by this ordinance, and to enforce the provisions of this ordinance as provided bylaw.
3. The Shade Tree Commission shall, when called upon, act as an advisory panel to Borough Council on all borough matters having an environmental impact on the borough, including, but not limited to, land development, park development or improvements, and downtown revitalization projects.
4. The Shade Tree Commission shall report to Borough Council through the Tree and Light Committee, or as the President of Council may otherwise direct.

SECTION 4. GENERAL REGULATIONS

1. The maintenance, care or removal of any shade tree as defined herein, and required compliance with any provision of this ordinance shall be the responsibility of the Borough of Vandergrift for any shade tree within the right of way of the Borough limits, as well as, any public park or public owned property of the Borough of Vandergrift (hereinafter "Public Area").
2. No person, without first obtaining a permit, shall cut, prune, break, affix any foreign object to, or in any way cause injury to any shade tree within any Public Area within the Borough.
3. No person, without first obtaining a permit, shall plant a shade tree within any Public Area within the Borough.
4. No person, without first obtaining a permit, shall remove a shade tree within any Public Area within the Borough.

5. All shade trees shall be kept trimmed to a minimum branching height of ten (10) feet, except that the Commission may require greater height clearances to eliminate traffic and other hazards, or for the integrity of the shade tree as recommended by a certified arborist.

6. Whenever, in the opinion of the Commission, a health or safety hazard ^{shall} caused by a shade tree within a Public Area of the Borough of Vandergrift, the Commission ~~may~~ issue written recommendations to the Council of the Borough of Vandergrift. Said recommendation shall be brought to the attention of the Council the Borough of Vandergrift, at a public meeting, by and through the appropriate designated committee and any action associated with the committee recommendation shall be reserved to the Council of the Borough of Vandergrift.

7. Whenever a new shade tree is planted within ten (10) feet of a curb or public sidewalk, a root barrier of a type approved by the commission shall be required. The Commission, in conjunction with the Borough Engineer, shall establish technical specifications for plantings within ten (10) feet of a curb or public sidewalk which shall include, but not be limited to, root barriers and other conditions deemed appropriate which said conditions may vary from street to street based upon conditions, topography, planting areas and other factors deemed important to the Commission and the consulting Borough Engineer for the creation of the guidelines to be followed by the Commission and which shall form the basis for their consideration of action to be taken in relation thereto.

SECTION 5. SPECIAL PROVISIONS FOR SHADE TREES LOCATED IN RETAIL-COMMERCIAL DISTRICT

1. In addition to the foregoing general provisions, the following special provisions shall apply to shade trees located in the retail commercial districts of the Borough.

a. A minimum sidewalk opening of four (4) feet square shall be required for each shade tree. The opening shall be paved with a flush, smooth, hard surface such as brick or concrete pavers laid on sand.

b. Only the following types of trees may be planted in the right of way: _____ . The planting of any other type of tree shall require permission from the Commission.

c. Whenever a shade tree is removed in a Retail Commercial District, the shade tree shall be replaced in accordance with this ordinance. All removed shade trees shall be replaced except when a change in street construction or land development makes it impossible or would cause the replacement to be a safety or health hazard. A decision not to replace a removed shade tree must be approved by the Commission.

d. The Commission shall annually inspect all shade trees within the Retail Commercial District and shall file a report with the Borough Council on the condition of the trees and needed maintenance. The inspection shall be done in late summer and the report filed by the first day of November.

SECTION 6. SPECIAL PROVISIONS FOR SHADE TREES LOCATED IN BOROUGH PARKS, OPEN SPACE AND RECREATION AREAS.

1. The Commission shall annually inspect all shade trees in the Public Area of the Borough of Vandergrift and shall file a report with Borough Council on the condition of the trees and needed maintenance. The inspection shall be done in late summer and the report filed by the first day of November.

2. Any new planting proposals shall be reviewed by the Commission and the Commission shall make recommendations on the type of tree that should be planted and the location of the same. Authorization for such planting must be provide by the Council of the Borough of Vandergrift.

SECTION 7. PERMIT FEES

Fees for permits shall be set from time to time by Resolution of Borough Council.

SECTION 8. VIOLATIONS AND PENALTIES

Any person, firm or corporation who shall violate any provision of this ordinance shall upon conviction thereof, be guilty of a summary offense, and may be sentenced to pay a fine of not more than six hundred dollars (\$600.00) and costs; and/or undergo imprisonment not to exceed ninety (90) days. Every day that a violation of this ordinance continues shall constitute a separate offense.

SECTION 9. SEVERABILITY

If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, section or parts of this ordinance. It is hereby declared as the intent of the Borough that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 10. REPEALER

All Ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 11. EFFECTIVE DATE

This Ordinance shall become effective immediately after the approval by Borough Council.

ENACTED at Vandergrift, Pennsylvania on the ___ day of _____, 2020.

BOROUGH OF VANDERGRIFT

BY: _____
KATHLEEN CHVALA, Council President

ATTEST:

STEPHEN J. DELLEDONNE, Borough Secretary (SEAL)

APPROVED:

BARBARA TURIK, Mayor

DRAFT

Mrs. McClarnon questioned the surveillance ordinance the solicitor was looking into regarding cameras in the park. She stated that she was concerned about videos going to individuals phones.

Solicitor Generelli stated that the draft regarding this matter insures that the camera footage would go directly to police department and that the Chief of Police will determine who has access to the footage.

Mrs. McClarnon questioned about the website.

President Chvala stated that this matter is also include in the suit and cannot be discussed.

Mrs. McClarnon questioned who is monitoring police calls to rental dwelling and to start the eviction process.

Chief Caporali requested that Mrs. McClarnon provide him with the addresses in question. He also stated that the police department monitors these type of calls.

RECESS:

A motion was made by Mr. Holmes, second by Mrs. Wilson, to recess the meeting to Monday, July 13th, beginning at 7:00 pm, for the purpose of discussing a mural being painting on the back of the stage at Kennedy Park by Alex Chaffin. Motion carried.

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
CHRISTINE A. WILSON

JULY 6, 2020

→ MULTI MODEL GRANT

VANDERGRIFT BOROUGH
RECESSED MEETING OF July 6, 2020

July 13, 2020

The Council of the Borough of Vandergrift 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	Karen McClarnon
John Uskuriatis	Christine Wilson
Kathleen Chvala	Casimer Maszgay

OTHER OFFICIALS:

Barbara Turiak, Mayor	Stephen DelleDonne, Secetary
Alaine Generelli, Solicitor	

President Chvala stated that the purpose of the recessed meeting is receive a presentation from Alex Chaffins on his proposed mural at the back of the stage at Kennedy Park.

Mr. Chaffins presented three (3) samples of a proposed mural. (See pages 1-A thru 1-C) He stated that the mural, which ever, is selected by Council, will be representative of the 125th Anniversary of the Borough of Vandergrift and growing. He stated that either sample would be able to provide an interactive light show via a virtual A/R.

Mr. Chaffins stated that the cost of either mural would be #3,500. He stated that each business who sponsors the mural at \$100.00, he would display their business name on the side of stage building. He stated that the first thirty five (35) business to up front their donation of \$100.00 would go to him, and that any addition monies raised would go to the Borough.

Mrs. McClarnon stated that there is ten (10) business who have indicated a willingness to sponsor this project.

Mr. Uskuraitis stated that all monies raised over the \$3500 could be used to have a murals on other Borough properties. He also suggested that the sample murals could be posted on face book for the purpose of allowing the public to participate in the selection.

Solicitor Generelli questioned if there wall a charge for Mr. Chaffins to provide a light show with his projector for certain event. She also requested to review Mr. Chaffins contract with Borough regarding this project.

A motion was made by Mr. Uskuaritis, second by Mr. Collini, to move forward with commissioning Alex Chaffis to create a mural at a total cost of \$3500.00, contingent with the Solicitor approving his contract.

ADJOURNMENT:

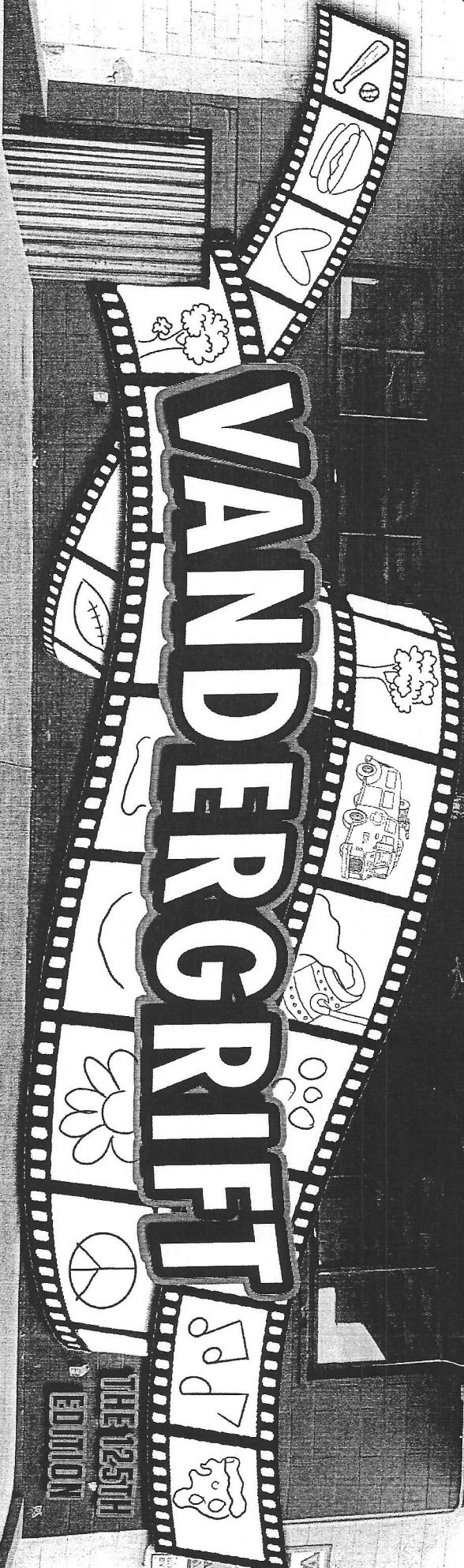
A motion was made Mr. Uskuriatis, second by Mr. Collini, to adjourn the meeting. Motion carried
The meeting was adjourned at 8:25 pm.

VANDERGRIFT

125 YEARS
AND GROWING

VAN
DATE
TIME

VANDERGRIFT



THE 125TH
EDITION

2

VANDERGRIFT

125th Edition

