

DELMONT BOROUGH COUNCIL MEETING

MINUTES

March 13, 2018

PRESENT: President Andrew Shissler, Vice President William Marx, Council Members Rebecca Matesevac, David Piper, Pam Simpson, Ann Lantz, Stan Cheyne and Mayor Alyce Urban.

Staff in Attendance:

Secretary/Treasurer, Karen Shola; Solicitor Daniel Hewitt; Police Chief Klobucar; Public Works Supervisor Bill Heaps; and Engineer Gary Baird.

Reporters: Georgia Boring and Patrick Varine.

Residents and Other Interested Persons: Tim and Linda Schmida; Joe and Sheila Guzzi; Brandy Walters; Mike Evans; Fawn Burch; Lisa Kuiros; Kathleen Rootham; Charles Spritz, Jr.; Hetti Robinson; Bob and AnnaMarie Stackiewicz; April Knizner; Paul Beard; and Denni Grassel.

CALL TO ORDER – PLEDGE OF ALLEGIANCE

Council President Andy Shissler called the meeting to order at 7:00 p.m. – All stood and recited the Pledge of Allegiance.

President Shissler also noted that Council has engaged in several recent work sessions to be noted of record. A session immediately prior to the regular Council meeting of February 13 was for consideration of personnel issues and litigation regarding a dilapidated structure in the Borough. A session was also held on Tuesday, March 6, 2018, for the purpose of reviewing sewage planning and development issues with the Borough Engineer pending litigation with DEP. Mr. Hewitt noted at this point that an executive session for personnel has been requested for immediately following this meeting.

MINUTES – February 13, 2018, Council Meeting – on display, but not read.

Subject to a correction as suggested by Mr. Cheyne regarding the membership of the Building Committee, the motion to approve the Minutes was made by Rebecca Matesevac, seconded by David Piper, and unanimously approved.

TREASURER’S REPORT – prepared by Secretary/Treasurer, K. Shola; on display, but not read. Motion to approve the Treasurer’s Report as presented was made by Mr. Piper, seconded by Mr. Marx, and unanimously approved.

BILLS TO BE PAID – On display, but not read.

The bills list was reviewed with a couple of items discussed and questioned.

A motion to approve the payment of bills was made by Mr. Piper, seconded by Ms. Matesevac, and unanimously approved.

CITIZENS' COMMENTS/QUESTIONS –

1. Kathleen Rootham was present regarding concerns of the Cherry Blossom Court Homeowners Association following the recent construction of a new dwelling on Manor Road. That construction has caused stormwater drainage and runoff onto the Homeowners Association property. The Association had previously been dealing with draining concerns and problems for many years with updates on their property completed in 2016. The construction of the new home on Manor Road in the fall of 2017 has resulted in additional stormwater flow and damage at the Association property. In addition to her comments, Ms. Rootham presented Council with a written statement/report which will be appended to these Minutes.
2. April Knizner of the Apple Hill Plan spoke regarding concerns of herself and other residents in the Plan over the seismic testing that was authorized by Borough Council in 2017. The seismic testing units were placed within the Borough road right of way in the Apple Hill Plan in January and the testing/thumper trucks were in the Borough shortly before the meeting. These trucks happen to arrive at the Middle School bus time and created a bottleneck.
3. Joe Guzzi of 70 Bel Aire Drive spoke regarding drainage problems at his property due to the apparent filling in of a drainage swale on the neighbor's property. Solicitor Hewitt asked for Mr. Guzzi to provide a copy of the plans and drawings that he had and this would be reviewed with a report back to him.
4. Paul Beard of 18 Heritage Court also spoke with the concerns of the Apple Hill Plan residents. He questioned who gave permission for the seismic testing and why this was done without someone first talking to the residents.
5. Mike Evans of Dogwood Drive spoke about the shaking at his home from the thumper trucks and again questioned why Council would have given this approval.
6. Denni Grassel of Monticello Drive spoke on behalf of the Library and indicated that there would be a special celebration for "Pi Day" at the Library on March 14th. Ms. Grassel also discussed the scheduling of the Pilgrimage for 2018 and continuing work to and for the benefit of the new Library facility.
7. Fawn Burch was present on behalf of the Fairview Historical Park in Salem Township regarding the commencement of the Delmont-Salem Farmers Market which will kick off on June 2 and run throughout the summer. This will be held at Fairview Park.
8. Julie Rebitch, a Salem Township resident and representative of the Rock Springs Family Trust spoke regarding the ongoing sewage and stormwater issues at the Trust property. Given the rains throughout February and March, Ms. Rebitch presented additional photos

of discharge and overflow at the property and in the proximity of the Beaver Run. A copy of the record submitted by Ms. Rebitch comprising photos and notations from March and February 2018 will be appended to the Minutes.

9. Ed Rebitch, also of the Rock Springs Family Trust, spoke regarding the continuing conditions and his suggestions for the remedy of the ongoing stormwater and sewage problems. Mr. Rebitch indicated that the manholes should be completely locked down. During later discussions in the meeting, Mr. Rebitch also asked for and received permission to have his own engineer review and compare the manhole covers on the Trust property with those on the adjacent Vaia property and expressed his concerns that the Trust property was being discriminated against because of the overflow and water damage being on their property and not elsewhere in the Borough.

ENGINEER REPORT – Gary Baird

Mr. Baird reviewed his meeting memo of March 13, 2018, regarding Street Committee items, particularly the 2018 Road Program for five sections of street with one potential alternate item. The Program has been sent out for bids with the bid opening scheduled for March 27 at 11:00 a.m. at the Borough Office. An extra week was given in the hope of receiving more bids. In response to questioning from Mr. Cheyne, Mr. Baird noted that all of the projects contemplate a 10% figure for base road base repair.

Mr. Baird also noted that the Public Works Office is beginning a review of the Borough's inlets as required for the MS4 Program to be done on an annual basis. In addition, it is likely that the Borough's MS4 Program will be audited this year so they are working on that.

Finally, Mr. Baird presented a proposed service order authorization of \$750 to assist in the coordination, completion, administration and submittal of the DCED Grant application for tennis court rehabilitation. Mr. Cheyne made the motion to approve LSSE for the DCED Grant paperwork. The motion was seconded by Mr. Marx. At this point Mr. Piper questioned whether LSSE should get the job given their required expertise in other engineering activities for the Borough. Mr. Piper indicated his preference for the proposal by Morris Knowles, an engineering firm with an office in the Borough which had submitted a \$4,400 proposal for the entire matter. Mr. Cheyne noted that the proposal from LSSE was for the application paperwork only and not for the entire project. Mr. Cheyne also noted that the Borough retains the rights to serve as a project manager for this work to be done or to go elsewhere for the remaining services that may be required. After further discussion, the motion was approved with Mr. Piper casting the only negative vote.

SOLICITOR REPORT – Attorney Dan Hewitt

Mr. Hewitt reported on the following:

1. Pending annual appointments to Boards and Commission are ready for completion.
 - a. Resolution No. 2018-3 was unanimously approved by Council to reappoint Robert Burton and Gary Cribbs to the Planning Commission. This motion was made by Ms. Matesevac, seconded by Mr. Piper, and unanimously approved.

- b. Resolution No. 2018-4 was presented for the appointment of Julie Walczek as a full member of the Zoning Hearing Board. Motion made by Mr. Piper, seconded by Mr. Marx, and unanimously approved.
 - c. Resolution No. 2018-5 to reconstitute the Safety Committee in compliance with current state requirements was submitted for consideration. Upon motion by Ms. Matesevac, with a second by Mr. Piper, the motion was unanimously approved.
2. Mr. Hewitt also advised Council that the Delmont Borough Civil Service Commission met on February 21st to formally authorize the Chief of Police to begin the process for testing in order to establish a new eligibility listing for the Police Department. This will continue over the next several months and the Commission will ultimately report back to Council.
 3. Finally, Mr. Hewitt indicated that, along with Chief Klobucar, he was requesting an executive session of Council to be held immediately following the general meeting to address personnel issues.

COMMITTEE REPORTS –

1. Public Safety – Mayor Urban and Chief Klobucar. Mayor Urban indicated that a report had been received from the Volunteer Fire Department but no one was present to discuss the same. The report will be maintained as part of the Borough files. Chief Klobucar presented and reviewed his monthly report on arrests and other activities in the Borough.
2. Buildings and Rentals – Ann Lantz and William Marx. The Committee reported that there have been safety improvements in the building generally to the benefit of the Day Care in order to provide further security and limit access to the Day Care units. Ms. Lantz also indicated that the recent water bills have been reviewed and found to be reasonable under the circumstances for the building. Mr. Cheyne asked if any effort had been done to try to create heating zones in the building in order to minimize the gas bill. Bill Heaps reported that this was not possible given the age of the building and the type of boiler.
3. Finance Committee – Andy Shissler and Becky Matesevac. Mr. Shissler reviewed the big picture report and indicated that the Borough remains online with the budget and with income expectations. The cable franchise fee which had been anticipated to come in and be included in the February receipts was actually received in early March and will show up on those records next month.
4. Streets, Roads and Stormwater – Stan Cheyne and Ann Lantz. Mr. Cheyne reported on the efforts being made with regard to a Westmoreland County Conservation District Grant in the amount of \$48,970 for improvements of the roadway into Shields Farm. This will include general road work, infiltration trenches, and swales to divert stormwater from the road. There will also be planting of additional oak trees and the diversion of water that is

currently getting out of the property and onto the public roadway. Following a motion by Mr. Cheyne, seconded by Mr. Piper, the Conservation Grant was unanimously approved.

At this point, Ms. Rebitch questioned whether the Borough maintained any insurance coverage which might provide compensation for the damages to the Trust property which they have alleged over the past year. Mr. Hewitt asked for an additional copy of the recent photographs and report to be submitted to the Borough insurance company to determine if coverage is available.

5. Personnel and Insurance – Becky Matesevac and Pam Simpson. No Activity and no Report at this time.
6. Sewage – Stan Cheyne and William Marx. Mr. Cheyne noted that, at the January meeting of the Sewage Committee, there was discussion regarding changing the forms and paperwork used in the regular inspection and certification process. Mr. Hewitt advised that the forms can be modified at any time but should then be adopted by resolution to make them an official form of the Borough.
7. Shields Farm – Andy Shissler. Mr. Shissler noted that there are anticipated upgrades and improvements to be done for the benefit of the Apple and Arts Festival and Pilgrimage. Work is anticipated in the spring and summer and there will be future updates as the matter progresses.
8. Grants Committee – David Piper. Mr. Piper indicated that, as part of a meeting relating to the upcoming activities at the Shields Farm property, there was discussion regarding a potential grant for electrical work improvements at the Shields Farm property. He is working on that. Mr. Shissler asked that he be kept in the loop for any grants relating to improvements at the Shields Farm property since that is under the direction of his Committee.

Mr. Piper indicated that he is trying to get the Apple and Arts Festival to also put together documentation which would support a grant request. There are some grants available through FirstEnergy for the electrical work and perhaps some other funds. It is unlikely, however, that funds will be available for any restroom improvements in this year.

Mr. Piper noted that he has had discussions with the offices of State Representative Eric Nelson and State Senator Kim Ward regarding the potential for grant monies for sewage improvements. Mr. Piper also indicated that he is looking at a potential grant for a comprehensive plan work which would involve a \$20,000 matching grant. He is also in discussions with the Community Foundation which has recently instituted a three-year grant program. Mr. Rebitch noted that Rob Ritson from Senator Ward's office is a good contact.

9. Contracted Trash – Stan Cheyne. Mr. Cheyne indicated that he is in discussion with the solid waste provider regarding the provision of recycling options at the Municipal Building. This is likely to be in the nature of individual bins rather than a

dumpster due to cost issues. Following a question from a resident present, Mr. Cheyne explained the difference between the commercial and residential recycling costs. Mr. Cheyne also noted that the proposed hazardous waste and E-Waste Program for the Borough has not yet been approved by the State. This was submitted by the trash hauler last fall but here has been no final action taken.

NEW BUSINESS/OLD BUSINESS –

Mr. Shissler noted that the Borough had recently received the annual meeting and dinner notice for the Westmoreland County Boroughs Association if anyone is interested in attending.

Mr. Marx advised that he and Mr. Cheyne are currently working on updates to the Borough's website which remains a work in progress. Questions remain as to what items should be included on the website. There is also the question of the adoption of a social media policy for website and/or Facebook activities.

Mr. Piper asked for authorization to again attend the annual Pennsylvania State Association of Boroughs Conference in June and to serve as the Borough's voting delegate at the meeting. Two motions were unanimously approved, the first to designate Mr. Piper as the voting delegate for the Borough; the second was to reimburse Mr. Piper for his conference, lodging, and travel expenses not to exceed \$1,200.

Mr. Cheyne indicated that he is scheduled to meet shortly with representatives of the Volunteer Fire Department to discuss the potential for an ordinance that would provide tax breaks to serving VFD members under Act 172. That matter remains undecided at this time. Mr. Cheyne also noted that there has been some equipment donated that may ultimately end up with DAAA. That still needs to be resolved. Finally, Mr. Cheyne noted that the DCNR reimbursement for the Playground improvement at Newhouse Park has been completed and a closeout reimbursement has been received. There remains some minor work to be done on the mulch with photographs to be sent to DCNR to close their file.

ANNOUNCEMENTS AND GENERAL INFORMATION –

- 1) The Borough Office will be closed on March 30, 2018, for Good Friday.
- 2) The next Safety Committee Meeting is set for Tuesday, March 27, at 2:00 p.m.
- 3) The next Council Meeting is set for Tuesday, April 10, 2018, at 7:00 p.m.

ADJOURNMENT –

Ms. Matesevac made a motion to adjourn at 9:30 p.m., seconded by Mr. Marx. Motion passed unanimously. Council then moved into the executive session for personnel issues.

Minutes prepared and submitted by Daniel J. Hewitt, Esquire, Borough Solicitor.