
Minutes of the Borough Council Zelienople, PA

3/29/2021

7:30 PM Council-Regular

MasterID:

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The March 29, 2021 Council Meeting of the Zelienople Borough Council was called to order at 7:30 PM by Council President Allen Bayer in the Council Chambers located at 111 W New Castle St., Zelienople PA 16063. This meeting was held in a limited in-person environment as well as remotely through the WebEx technology due to the coronavirus pandemic situation and to comply with the Governors order to limit in person public meetings. It still complied with all rules of advertisement and the public had access to the meeting and was able to participate. In-person attendance were council members, Allen Bayer, Andrew Mathew III, Mary Hess, Doug Foyle, Marietta Reeb, and Mayor Thomas Oliverio. Attending remotely was council members Gregg Semel and Ralph Geis.

Also, in attendance were Borough Manager Don Pepe, Assistant Borough Manager Andrew Spencer, Zoning and Codes Officer Shelly Kaltenbaugh, and Chief James Miller. Attending remotely was Solicitor Bonnie Brimmeier, Public Works Director Chad Garland, and Borough Engineer Tom Thompson.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Oliverio

VISITORS

In Person:

- Richard Goldinger
- Lorry Staub
- Ron Staub

Remotely:

- Michelle Burgess
- Chad Hanley
- Alex Weidenhof – Press
- Tony Burgess
- Autumn Crawford
- Zachary Shumaker
- Kathi Burgess
- Others were present who did not identify themselves.

PUBLIC COMMENT:

-Richard Goldinger introduced himself as candidate for Common Pleases Judge.

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CONSENT AGENDA:

A motion was made by Mr. Mathew, seconded by Mrs. Reeb, to approve:

- Minutes of the March 8, 2021 Council Meeting
- Transfer of Funds, \$150,000.00 from the Electric Fund to the General Fund, if needed

Motion carried 7-0.

OLD BUSINESS:

CONSIDER ADOPTION OF PROPOSED ORDINANCE #874-21 AMENDING THE ZELIENOPLE CODE CHAPTER 174, "PEACE AND ORDER", BY ADDING "ALCOHOLIC BEVERAGE" UPON ANY BOROUGH OWNED PROPERTY AND TO PROVIDE PENALTIES FOR VIOLATION THEREOF

A motion was made by Mr. Mathew, seconded by Mrs. Hess to adopt proposed Ordinance No.874-21 amending Chapter 174, "Peace and Order" by adding "Alcoholic Beverage Upon Any Borough Owned Property and to Provide Penalties for Violation Thereof."

The proposed ordinance was duly advertised and reviewed by the Borough Solicitor, PMC, and Chief of Police. The ordinance was also reviewed by the public and changes have been recommended. The change is in Section 1 C. The definition of Public Access property was changed to Borough owned property.

Motion carried 7-0

CONSIDER ADOPTION OF ORDINANCE #875-21 TO AMEND THE ZELIENOPLE CODE CHAPTER 174, "PEACE AND ORDER", BY ADDING "SPECIAL EVENT PERMIT" UPON ANY PUBLIC ACCESS PROPERTY AND TO PROVIDE PENALTIES FOR VIOLATION THEREOF

A motion was made by Mr. Mathew, seconded by Mr. Geis to adopt proposed Ordinance No.875-21 amending Chapter 174, "Peace and Order" by adding "Special Event Permit" Upon Any Public Access Property and To Provide penalties For Violation Thereof. During the past year Zelienople has experienced an increase in outdoor activities where individuals or groups have come before the Borough Council asking for approval to hold these events. Currently the Borough does not have procedures or regulations in place to guide the Borough or event sponsors through the approval process. The new ordinance and permit application will provide a uniform procedure for all event requests.

Motion carried 7-0

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CONSIDER A MOTION AUTHORIZING THE ADVERTISING OF PROPOSED ORDINANCE #877-21 AND A PUBLIC HEARING TO AMEND THE ZELIENOPLE ZONING ORDINANCE, 779, AS AMENDED, REPEALING PART 12 PLANNED RESIDENTIAL DEVELOPMENT, SECTION 1201 THROUGH SECTION 1210, IN ITS ENTIRETY

A motion was made by Mrs. Hess, seconded by Mr. Foyle to authorize the advertising of Proposed Ordinance #877-21 and a Public Hearing for the Council Meeting of Monday, April 26, 2021, with advertising occurring on Monday, April 5, 2021, and Monday, April 12, 2021. Per consultation with Solicitor Bonnie Brimmeier and Counsel William Sittig, Staff agrees to the absolute necessity of repealing Part 12 of the Zelienople Zoning Ordinance, 779, as amended, and is recommending a motion authorizing the advertisement of Proposed Ordinance # 877-21 and a Public Hearing and conducting that Public Hearing as required by the Pennsylvania Planning Code.

An application was submitted for the land development Jeremiah Village, a Planned Residential Development. Upon review of the of those land development plans and our Zoning Ordinance, it became agonizingly apparent that Part 12 – Planned Residential Development of the Zoning Ordinance regulating this type of development contained contradictory and unclear requirements and that Part 12 was seriously flawed. Solicitor Bonnie Brimmeier and Legal Counsel William Sittig, after reviewing Part 12, agreed, and strongly advised that this Section be repealed in its entirety immediately.

The adoption of any zoning ordinance and amendments thereto are regulated by The Pennsylvania Municipalities Planning Code, Act of 1968, P.L.805, No.247, as reenacted and amended requires the following steps prior to the governing body taking action:

- A copy of the proposed amendment shall be submitted to the Planning Commission at least 30 days prior to Council's public hearing on the amendment to provide opportunity for the Planning Commission to submit recommendations;
- A copy of the proposed amendment shall be submitted to the Butler County Planning Commission prior to Council's public hearing on the amendment to provide opportunity for the Butler County Planning Commission submit recommendations;
- A public hearing shall be held by Council;
- That public hearing shall be advertised for two consecutive weeks, not more than thirty days before the meeting, and not less than seven days; and
- Should there be any substantial changes made to the proposed amendment, another public hearing must be scheduled pursuant to public hearing requirements.

Motion carried 7-0

NEW BUSINESS:

CONSIDER A MOTION TO PROMOTE A PART TIME POLICE OFFICER TO FULL TIME POLICE OFFICER STATUS UNDER THE ZELIENOPLE BOROUGH CIVIL SERVICE REGULATIONS

Upon the recommendation of the Chief of Police and the PMC committee, a motion was made by Mrs.

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Hess, seconded by Mrs. Reeb to promote Michael Petrie from part-time police officer to fulltime police officer status effective March 31, 2021. His salary rate is per contract guidelines for this position.

Motion passed 7-0.

CONSIDER REMOVAL FROM PROBATIONARY STATUS AND MOVE TO REGULAR FULL TIME STATUS FOR EMILIE KEITH

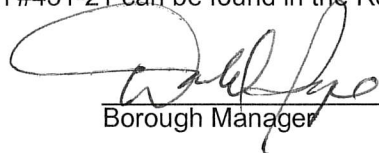
A motion was made by Mrs. Hess, seconded by Mr. Foyle to place Emilie Keith on regular full-time status as she has successfully completed her probationary on March 23, 2021. Emilie Keith was hired on February 25, 2020 on a probationary status as the Administrative Assistant to The Chief of Police. Her official start date was March 23, 2020, Emilie has successfully completed her probationary period. This change in status does not change the pay rate or grade level for Emilie, but she will become eligible for merit increases in 2021.

Motion carried 7-0

CONSIDER PROPOSED RESOLUTION #451-21 RECOMMENDING BUTLER COUNTY ADOPT THE LOWER CONNOQUENESSING WATERSHED REGIONAL STORMWATER REPORT

A motion was made by Mrs. Hess, seconded by Mrs. Reeb to adopt proposed Resolution #451-21 to recommend that Butler County Commissioners adopt the HRG draft report as provided in May 2021. It is ready to be considered for adoption by the Butler County Commissioners in May 2021.

A full and true copy of Resolution #451-21 can be found in the Resolution Book.


Borough Manager

Motion passed 7-0.

CONSIDERATION OF THE AMERICAN LEGION REQUEST FOR THE MEMORIAL DAY SERVICE

A motion was made by Mr. Mathew, seconded by Mr. Foyle to approve the request of the Zelienople American Legion to have their Annual Memorial Day Service on Monday May 31, 2021 at approximately 10:30 AM to 12:30 PM. There will be no parade per say so the Borough will not need to apply to PA DOT for a Special Events permit to close Main Street on their behalf. The American Legion must coordinate with the Police Department for the appropriate traffic control.

Motion passed 7-0.

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CONSIDER ENTERING INFORMAL NEGOTIATIONS WITH ARMSTRONG CABLE FOR FRANCHISE RENEWAL PROCESS

A motion was made by Mr. Mathew, seconded by Mrs. Reeb to authorize the Borough Manager to enter informal negotiations with Armstrong Cable with the intent to have a franchise renewal prior to the expiration of the current agreement in February 2023. This also allows for the Borough Manager to utilize any professional consultant as needed to complete these negotiations.

Motion passed 7-0.

CONSIDER CROWN CASTLE PROPOSAL FOR SMALL CELL HARDWARE RELOCATION IN THE MAIN STREET CORRIDOR

A motion was made by Mr. Semel, seconded by Mrs. Hess to approve the recommendation by Public Works Director Chad Garland for the plan for Crown Castle to relocate their small cell nodes to the agreed upon locations with the requirement that they meet the conditions provided for materials and costs.

The Borough has required that Crown Castle communications relocate current small cell hardware locations to better fit with our Main Street Revitalization plans. Crown Castle has submitted the attached materials and location plan for the borough to consider.

Bear in mind that a resolution to this issue is twofold. It will better our Main Street plans to allow for the cell improvements while also being aesthetically pleasing to fit in with our Main Street look. In addition, it can pave the way to an extension of the agreement between the Borough and Crown Castle going forward which must be done since the old agreement has expired.

Motion passed 7-0.

CONSIDER PAY REQUISITION ESTIMATE #2 TO THE CONSTRUCTION CONTRACT FOR THE ZELIENOPLE BOROUGH STREETScape PROJECT PHASE 2 ELECTRIC UTILITY AERIAL LINE WORK (CONTRACT 20-01) PROJECT

A motion was made by Mr. Foyle, seconded by Mrs. Hess to approve Main Lite Electric Company Inc. Pay Requestion Estimate No. 2 in the amount of \$131,922.00 for the Zelienople Borough Streetscape Project Phase 2 Electric Utility Aerial Line Work (Contract 20-01).

The work has been completed as noted. After payment by the Borough, the pay request will be submitted to DCED for reimbursement.

Motion passed 7-0.

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REQUEST AUTHORIZATION TO ADVERTISE AND HIRE FOR TEMPORARY SUMMER LABORER POSITIONS

A motion was made by Mrs. Hess, seconded by Mr. Foyle to authorize the Borough Manager to advertise and hire up to two (2) temporary summer laborer help in order to complete its projects and its normal summer maintenance work in the Borough

The pay rate is \$10.00 per hour for the temporary summer labor position. We will advertise immediately accept applications through May 24, 2021 or until filled. Employment for these temporary positions usually ceases at Labor Day weekend. The Borough Manager will hire as he deems appropriate.

Motion passed 7-0.

CONSIDER APPROVAL TO PURCHASE CUPS, TABLE TENTS, AND WINDOW CLINGS TO PROMOTE THE ZELIENOPLE APP

A motion was made by Mr. Mathew, seconded by Mr. Geis to accept the IT Committee recommendation to approve the purchase of marketing materials for promoting the Zelienople App not to exceed \$ 2,500.00.

Estimate is for 250 Window Clings (\$295), 100 Table Tents (\$30), and 5,000 Cups (\$1,700 + \$50 setup Charge + lids) at the estimated price point of \$2,075, plus the cost of lids.

Motion passed 7-0.

OTHER BUSINESS:

COUNCIL REQUEST FOR INFORMATION

Council reviewed the monthly request for information spreadsheet and facilities management schedule with all the items updated as of 3/26/2021 this includes any discussion and removal/addition of items from the previous month.

No action vote was taken.

DISPOSITION OF BOROUGH DODGE PICKUP TRUCK.

A motion was made by Mr. Mathew, seconded by Mrs. Hess, to dispose of the 2001 Dodge pickup

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truck and donate it to the Harmony Fire District for training purposes and scrap value.

Motion carried 7-0

Reports

Committees Reports:

Mrs. Hess: Main St. Revit. Committee asked for update on the contact of business and property owners by M & B Services prior to construction beginning.

Mr. Semel COG – no report
Airport Authority – no report
IT – noted the request to council for marketing materials for the Zelig App.
Zelig E gift cards – will investigate the extension of the card expiration date from May to another date to allow for people to use these cards.

Requested an Executive Session for personnel and contract reasons.

Mr. Geis Electric – no report
Bldg. /Finance – no report
Pension – no report

Mr. Foyle Pension Committee – no report
Library – noted meeting attendance and fund raising efforts

Mrs. Reeb Public Safety/Street/Sidewalk/Storm water – no report
Historical Society – fund raising efforts

Mr. Mathew Water – no report
EMA – no report
Fire Dept. Liaison – no report
Shared Services – inquired as to the Spring brush pickup and Harmony Borough participation.

Requested an Executive Session for a contract matter

Mr. Bayer HRC – participated in Finance Director interviews. Monthly meeting was cancelled.
PMC – no report

Mayor - thanks council for allowing for good employees

Manager - noted the need to close out the Skate Park Grant bank account and transfer the \$ 986.34 to the General Fund.

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Requested an Executive Session for a Personnel matter

Assistant Manager – Requested an Executive Session

Solicitor – no report

Engineer – no report

Police Chief – noted he is working with Shelly on the Food Truck ordinance which should be ready for council in May for consideration.

Public Works Director – no report

Zoning/Codes Officer – no report

Mr Bayer asked the representative from WBCA to comment on the Act 537 plan proposal and appointed an Ad Hoc committee of Andrew Spencer, Drew Mathew, and Marietta Reeb to discuss the plan and give recommendations to council as soon as possible.

Time of break (if needed): 8:50 pm; Return: 8:55 pm

Executive Session (if needed) Time: 8:55 pm; Return: 9:16 pm

MOTION TO MAKE AN OFFER OF EMPLOYMENT

A motion was made by Mrs. Hess, second by Mr. Geis, to authorize the Borough Manager to make an offer of employment to Erin Norton to fill the vacant Finance Director position at a salary of \$ 55,000 and Grade Level 30 with a one-year probation period. At the end of the 12-month period, there will be a 5% salary increase as part of the successful probation period.

Motion carried 7-0.

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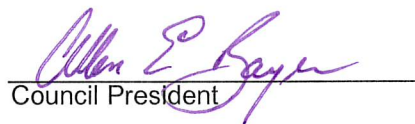
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Being no further business, President Bayer closed the meeting at 9:16 PM.

ATTEST:



Borough Manager



Council President

Approved by me this 12th day of April 2021.



Mayor