
Minutes of the Borough Council Zelienople, PA

5/10/2021

7:30 PM Council-Regular

MasterID:

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The May 10, 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, Gregg Semel, Marietta Reeb, Doug Foyle, and Mayor Tom Oliverio. Not in attendance was council member Ralph Geis.

Also, in attendance were Borough Manager Donald Pepe and Police Chief James Miller, Solicitor Bonnie Brimmeier, Borough Engineer Tom Thompson, and Finance Director Erin Norton. Attending remotely was Public Works Director Chad Garland.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council President Allen Bayer.

STAFF INTRODUCTION

Allen Bayer and Don Pepe introduced Erin Norton to council and to the public. Erin has taken on the position of Finance Director for the Borough of Zelienople.

VISITORS

Attending in person were Dan Fritch, and Matthew Edwards

Attending remotely were Dan Karns and 2 others who did not identify themselves.

PUBLIC COMMENT:

Sarah G Hancher on behalf of Bill and Jean Harper regarding the parking space requirements in the zoning ordinance. She had questions which the Borough Manager will address regarding how the ordinance is used and if there is any effort to amend it.

Randall Hart spoke on behalf of Bill and Jean Harper. He did not ask for anything nor is there any action to be taken by council.

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CONSENT AGENDA:

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

- Minutes of the April 26, 2021 Council Meeting
- Transfer of Funds, \$150,000.00 from the Electric Fund to the General Fund, if needed.

Motion carried 6-0.

OLD BUSINESS:

CONSIDER ADOPTION OF ORDINANCE NO. 876 – 21, AN ORDINANCE OF THE BOROUGH OF ZELIENOPLE, BUTLER COUNTY, PA AMENDING THE ZELIENOPLE CODE CHAPTER 180 PEDDLING AND SOLICITING, BY ADDING ARTICLE II, “MOBILE FOOD VENDORS” WITHIN THE BOROUGH AND TO PROVIDE PENALTIES FOR VIOLATION THEREOF.

A motion was made by Mrs. Hess, seconded by Mr. Mathew to adopt proposed Ordinance No.876-21 amending Chapter 180 Peddling and Soliciting by adding Article II, “Mobile Foods Vendors” within the Borough and to Provide Penalties for Violation Thereof.

The proposed ordinance was duly advertised and reviewed by the Borough Solicitor, Council Food Truck Committee, Code Enforcement Officer, 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 6-0.

NEW BUSINESS:

CONSIDER ACCEPTANCE OF THE BILLS TO BE PAID FOR THE MONTH OF MAY IN THE AMOUNT OF \$936,935.57

A motion was made by Mr. Mathew, seconded by Mr. Foyle to accept, and approve the “Bills to Be Paid” report for April in the amount of \$936,935.57.

Motion carried 6-0.

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CONSIDER SPECIAL EVENT PERMIT APPLICATION– ANNUAL HORSE-TRADING DAYS ON JULY 15, 2021 TO JULY 17, 2021 AND TO PROVIDE THE ANNUAL SPONSORSHIP CONTRIBUTION AT THE REQUEST BY THE ZELIENOPLE AREA BUSINESS ASSOCIATION

A motion was made by Mr. Hess, seconded by Mrs. Reeb to provide the annual sponsorship contribution of \$3,400.00 at the request by the Zelienople Area Business Association and approve the Special Event Permit Application – Annual Horse Trading Days by the Zelienople Area Business Association from July 15, 2021 to July 17, 2021 provided that they coordinate communications with and be responsive to the Chief of Police and Public Works Director as needed and comply with the Borough of Zelienople's Special Event Rules, Code of Ordinances Chapter 174, Special Events and Alcoholic Beverages, Parades & Public Gatherings & all applicable Federal, State, and Local laws with the following conditions:

- Use of the four corners parks, as requested. Excludes closing of the north Main St. parking lot.
- Parking lot closure for Spring Street lot, as requested, with the provision that they notify all the adjacent businesses to the lot so that they can plan accordingly for their patrons.
- The planners of the Horse-Trading Days events must coordinate all activities with Borough Departments, Emergency Services, and the Community Park Association.
- Closure of East New Castle St between Main St. & High St, at the request of the Police Chief, during the event.
- No Parking on W. Grandview Ave, between Main St. & Clay St, at the request of the Police Chief, during the event.
- Permission to allow 2 mobile food trucks to be located on the closed portion of East New Castle Street between Main Street and High Street during the event.
- COVID-19 Mitigation Measures - Adhere to all the state COVID-19 restrictions in place at the time of the event.

Motion carried 6-0.

CONSIDER PROPOSED RESOLUTION #452-21, AMENDING THE FEES ASSOCIATED WITH PARKING REGULATIONS CITED IN BOROUGH ORDINANCE #850-16

A motion was made by Mr. Semel, seconded by Mrs. Hess to adopt proposed Resolution #452-21 to amend Ordinance #850-16 as follows: "The fine imposed for violating Section 3-d-v will be \$25.00 issued on a municipal ticket. Failure to pay the ticket in 10 days will result in the violator being cited under the Borough Ordinance with a fine of not less than \$100.00 and not more than \$300.00 plus costs.

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A full and true copy of Resolution #452-21 can be found in the Resolution Book.

Borough Manager

Motion passed 6-0.

CONSIDER FORGIVENESS OF SKATE PARK COMMITTEE PROMISSORY NOTE

A motion was made by Mrs. Reeb, seconded by Mr. Foyle to approve the request from the memorial Skate Park committee to forgive them from the Promissory Note debt for the remaining balance of \$ 9,442.86. In March of 2020, the borough extended a loan, through a Promissory Note, to assist in completing the Skate Park project. The Promissory Note was agreed to with the intention that the Skate park Committee would pay back this note through their annual Fish Fry events which have been very successful in the past. Unfortunately, COVID-19 hit at this time and that event in 2020 and now 2021 could not occur. Due to this situation the Skatepark committee can no longer fulfill this obligation through no fault of their own. This group has worked especially hard for several years to raise the funds for this project to be built. The Memorial Skate Park transferred the remaining funds of \$6,666.22 from their account to the Borough leaving a remaining balance on the promissory note of \$9,442.86.

Promissory Note	\$ 16,109.08
	<u>\$ 6,666.22</u>
Balance	\$ 9,442.86

Motion passed 6-0.

CONSIDERATION FOR ESTIMATE 1 AND 1A TO THE CONSTRUCTION CONTRACT FOR THE ZELIENOPLE BOROUGH REVITALIZATION ECONOMIC DEVELOPMENT PHASE 2 – ECMS PROJECT

A motion was made by Mrs. Hess, seconded by Mr. Foyle to approve agenda items 5.5 and 5.6 for M and B Services LLC ECMS Pay Estimate No. 1 in the amount of \$37,309.76 and ECMS Pay Estimate No. 1A in the amount of \$148,146.03 for the Zelienople Borough Revitalization/Economic Development Phase 2 – ECMS Project, M and B Services LLC has submitted Estimate No. 1 and Estimate No. 1A.

Motion passed 6-0.

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CONSIDER ACTION TO DENY MAJOR FINAL LAND DEVELOPMENT APPLICATION 2021-1-LD OF HEARTLAND RESTAURANT GROUP, LLC/BEAVER CORNER ASSOCIATES

A motion was made by Mr. Mathew, seconded by Mr. Semel to deny major final land development application 2021-1-LD of Heartland of Heartland Restaurant Group, LLC/Beaver Corner Associates, as the application is in violation of Section 605-4-A and Section 605-4-G Building setbacks of the Zelienople Zoning Ordinance.

Motion passed 6-0.

CONSIDER APPROVAL OF SPECIAL EVENT PERMIT APPLICATION FOR THE ZELIENOPLE-HARMONY FARMERS MARKET AT THE COMMUNITY PARK

A motion was made by Mr. Hess, seconded by Mrs. Reeb to approve the Special Event Permit Application for Zelienople-Harmony Farmers Market provided by Jen Semel, representative on behalf of the Zelienople Community Park, to be held from June 7, 2021 through approximately October 25, 2021 from 3:30 PM to 7:00 PM at the main parking lot located by the swimming pool at the Zelienople Community Park provided that they coordinate communications with and be responsive to the Chief of Police and Public Works Director as needed and comply with the Borough of Zelienople's Special Event Rules, Code of Ordinances Chapter 174, Special Events and Alcoholic Beverages, Parades and Public Gatherings and all applicable Federal, State, and Local laws and with the following conditions:

- Be responsive to complaints on noise.
- Should a second complaint be received, all music will be shut down.
- You must ensure that the area is cleaned of any trash and debris when the event is completed.
- This is not a Borough sponsored event, so it is your responsibility to ensure everyone adheres to all COVID-19 safety rules and guidelines that apply at the time of the event.
- Ensure that measures will be taken to establish proof of legal age prior to any individual being permitted to consume alcoholic beverages.
- All participating vendors must obtain a special occasion permit from the PLCB, if required.

Motion passed 6-0.

CONSIDER APPROVAL OF SPECIAL EVENT PERMIT APPLICATION FOR AYERS FOUNDATION CONCERT SERIES AT THE COMMUNITY PARK

A motion was made by Mrs. Reeb, seconded by Mrs. Hess to approve the Special Event Permit Application for Ayers Foundation Concert Series provided by Jen Semel, representative on behalf of the Zelienople Community Park, to be held on June 30, 2021, July 28, 2021, and September 8, 2021 from 7:00 PM to 10:00 PM at the James A. Ayers Sr. Amphitheater at the Zelienople Community

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Park provided that they coordinate communications with and be responsive to the Chief of Police and Public Works Director as needed and comply with the Borough of Zelienople's Special Event Rules, Code of Ordinances Chapter 174, Special Events and Alcoholic Beverages, Parades and Public Gatherings and all applicable Federal, State, and Local laws and with the following conditions:

- Be responsive to complaints on noise.
- Should a second complaint be received, all music will be shut down.
- You must ensure that the area is cleaned of any trash and debris when the event is completed.
- This is not a Borough sponsored event, so it is your responsibility to ensure everyone adheres to all COVID-19 safety rules and guidelines that apply at the time of the event.
- Ensure that measures will be taken to establish proof of legal age prior to any individual being permitted to consume alcoholic beverages.
- All participating vendors must obtain a special occasion permit from the PLCB, if required.

Motion passed 6-0.

CONSIDER APPROVAL OF SPECIAL EVENT PERMIT APPLICATION FOR CORNHOLE TOURNAMENT AT THE COMMUNITY PARK

A motion was made by Mr. Mathew, seconded by Mr. Foyle to approve the Special Event Permit Application for Cornhole Tournament provided by Jen Semel, representative on behalf of the Zelienople Community Park, to be held on May 22, 2021, rain date of May 23, 2021, from 12:00 PM to 3:00 PM at Shelter #2 and ballfield at the top of the hill at the Zelienople Community Park provided that they coordinate communications with and be responsive to the Chief of Police and Public Works Director as needed and comply with the Borough of Zelienople's Special Event Rules, Code of Ordinances Chapter 174, Special Events and Alcoholic Beverages, Parades and Public Gatherings and all applicable Federal, State, and Local laws and with the following conditions:

- Be responsive to complaints on noise.
- Should a second complaint be received, all music will be shut down.
- You must ensure that the area is cleaned of any trash and debris when the event is completed.
- This is not a Borough sponsored event, so it is your responsibility to ensure everyone adheres to all COVID-19 safety rules and guidelines that apply at the time of the event.
- Ensure that measures will be taken to establish proof of legal age prior to any individual being permitted to consume alcoholic beverages.
- All participating vendors must obtain a special occasion permit from the PLCB, if required.

Motion passed 6-0.

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CONSIDER APPROVAL OF SPECIAL EVENT PERMIT APPLICATION FOR BUTLER COUNTY SYMPHONY CONCERT AT THE COMMUNITY PARK

A motion was made by Mr. Foyle, seconded by Mrs. Hess to approve the Special Event Permit Application for Butler County Symphony Concert provided by Jen Semel, representative on behalf of the Zelienople Community Park, to be held on May 29, 2021 from 2:00 PM to 5:00 PM at the James A. Ayers Sr. Amphitheater at the Zelienople Community Park provided that they coordinate communications with and be responsive to the Chief of Police and Public Works Director as needed and comply with the Borough of Zelienople's Special Event Rules, Code of Ordinances Chapter 174, Special Events and Alcoholic Beverages, Parades and Public Gatherings and all applicable Federal, State, and Local laws and with the following conditions:

- Be responsive to complaints on noise.
- Should a second complaint be received, all music will be shut down.
- You must ensure that the area is cleaned of any trash and debris when the event is completed.
- This is not a Borough sponsored event, so it is your responsibility to ensure everyone adheres to all COVID-19 safety rules and guidelines that apply at the time of the event.
- Ensure that measures will be taken to establish proof of legal age prior to any individual being permitted to consume alcoholic beverages.
- All participating vendors must obtain a special occasion permit from the PLCB, if required.

Motion passed 6-0.

CONSIDER APPROVAL OF SPECIAL EVENT PERMIT APPLICATION FOR SECOND ANNUAL DIVISION STREET BLOCK PARTY ON JULY 31, 2021 AND TO CLOSE DIVISION STREET FROM BEAVER STREET TO SPRING STREET

A motion was made by Mrs. Reeb, seconded by Mr. Semel to approve the Special Event Permit Application for South Division Street Block Party provided by Kirstian Jacobs, representative on behalf of the Division Street Block Party, to be held on July 31, 2021 from 4:00 PM to 9:00 PM on S. Division Street between Beaver and Spring Street provided that they coordinate communications with and be responsive to the Chief of Police and Public Works Director as needed and comply with the Borough of Zelienople's Special Event Rules, Code of Ordinances Chapter 174, Special Events and Alcoholic Beverages, Parades and Public Gatherings and all applicable Federal, State, and Local laws and with the following conditions:

- The borough is agreeing to close the road as stipulated for their event.
- The event will end at 9:00 pm
- Be responsive to complaints on noise
- Should a second complaint be received all music will be shut down
- They coordinate with the Street Department to obtain cones and barricades for street closure
- They coordinate with the Police Department for safety concerns

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- They ensure that the area is cleaned of any trash and debris when the event is completed
- This is not a borough sanctioned or sponsored event, so they are solely responsible for adhering to all COVID-19 safety rules that apply at the time of the event.

Motion passed 6-0.

CONSIDER APPROVAL OF ANNUAL PERMIT APPLICATION FOR TABLES AND CHAIRS AND OTHER SIDEWALK DISPLAY AT VARIOUS BUSINESSES ON MAIN STREET

A motion was made by Mrs. Reeb, seconded by Mrs. Hess to approve the Annual Permit Application for Tables and Chairs and Other Sidewalk Display for the following businesses on Main Street provided they agree to abide by all rules and regulations applicable to this request and understands that this is an annual request to the Borough as is the normal process for outdoor seating for restaurants and that the proprietor agrees to maintain and keep the sidewalk area clean. These are agenda items 5.13 through 5.23.

Dennis A Detar, proprietor of Spring and Main Street Café, 109 North Main Street, request to have outdoor seating on the sidewalk area at the front of the restaurant, to include three tables and nine chairs, from April 1, 2021 through October 31, 2021, with the following conditions:

- Only three 36x36 tables located directly outside the establishment in the sidewalk area, outside the front door entrance to the shop. This includes permission for a maximum of nine (9) chairs.
- Placement of the tables & chairs will be situated on the sidewalk to ensure that a minimum of 36-inch clearance be maintained for wheelchair passage and that at no time, do the table and chairs pose an obstruction to pedestrians utilizing the sidewalk. If the Borough determines there is any impediment of the sidewalk, this approval can be revoked.
- Tables and chairs may remain outside, but they are to be neatly stacked and stowed so as not to be hazardous to pedestrians using the sidewalk after hours.
- Tables will not be used for any full service, but rather for patrons to consume items purchased inside at the counter.
- All trash and refuse collection and disposal shall be the responsibility of the business operation.
- This use is permitted from April 1, 2021 through October 31, 2021 weather permitting. Any snowy or icy road or street conditions will obviously require this use to be terminated for the year. A request for any additional time extension would need to be again submitted to the Council.
- This request is for 2021 and must be requested annually prior to the intended start date.

Kelly Carney, proprietor of Eva Bryn Shoetique, 117 South Main Street, request to have outdoor seating on the sidewalk area at the front of the Shoetique retail store, to include two tables and four chairs, and two Adirondack chairs from April 1, 2021 through October 31, 2021, with the following conditions:

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- The proprietor is requesting permission for a maximum of two tables and four chairs to be placed under each window, and the ability to substitute two Adirondack chairs for one table and two chairs at her discretion.
- Placement of the tables & chairs will be situated on the sidewalk to ensure that a minimum of 36-inch clearance be maintained for wheelchair passage and that at no time, do the table and chairs pose an obstruction to pedestrians utilizing the sidewalk. If the Borough determines there is any impediment of the sidewalk, this approval can be revoked.
- Tables and chairs may remain outside, but they are to be neatly stacked and stowed so as not to be hazardous to pedestrians using the sidewalk after hours.
- This use is permitted from April 1, 2021 through October 31, 2021 weather permitting. Any snowy or icy road or street conditions will obviously require this use to be terminated for the year. A request for any additional time extension would need to be again submitted to the Council.
- This request is for 2021 and must be requested annually prior to the intended start date.

Ron Carter President and Executive Director of the Strand Theater request to have outdoor seating on the sidewalk area at the front of the Strand Box Office and Café, 121 North Main Street, to include two tables and four chairs, from April 1, 2021 through November 30, 2021, with the following conditions:

- Only two 18" x 24" tables located directly outside the establishment on the sidewalk area, outside the front door entrance with the rear of the tables against the storefront. This includes permission for a maximum of four (4) chairs.
- Placement of the tables & chairs will be situated on the sidewalk to ensure that a minimum of 36-inch clearance be maintained for wheelchair passage and that at no time, do the table and chairs pose an obstruction to pedestrians utilizing the sidewalk. If the Borough determines there is any impediment of the sidewalk, this approval can be revoked.
- Tables and chairs may remain outside, but they are to be neatly stacked and stowed so as not to be hazardous to pedestrians using the sidewalk after hours.
- Tables will not be used for any full service, but rather for patrons to consume items purchased inside at the counter.
- All trash and refuse collection and disposal shall be the responsibility of the business operation.
- This use is permitted from April 1, 2021 through November 30, 2021 weather permitting. Any snowy or icy road or street conditions will obviously require this use to be terminated for the year. A request for any additional time extension would need to be again submitted to the Council.
- This request is for 2021 and must be requested annually prior to the intended start date.

Linda Chahine, proprietor of the Ice Box Creamery request to have outdoor seating on the sidewalk area at the front of the Ice Box Creamery Store, 114 South Main Street, to include two benches, from April 1, 2021 through November 30, 2021, with the following conditions:

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- Only two benches measuring 11" x 72" located directly outside the establishment on the sidewalk area, outside the front door entrance against the building wall under the windows.
- Placement of the benches will be situated on the sidewalk to ensure that a minimum of 36-inch clearance be maintained for wheelchair passage and that at no time, do the table and chairs pose an obstruction to pedestrians utilizing the sidewalk. If the Borough determines there is any impediment of the sidewalk, this approval can be revoked.
- The benches may remain outside, but they are to be neatly stacked and stowed so as not to be hazardous to pedestrians using the sidewalk after hours.
- All trash and refuse collection and disposal shall be the responsibility of the business operation.
- This use is permitted from April 1, 2021 through November 30, 2021 weather permitting. Any snowy or icy road or street conditions will obviously require this use to be terminated for the year. A request for any additional time extension would need to be again submitted to the Council.
- This request is for 2021 and must be requested annually prior to the intended start date.

Freesia Fassback, proprietor of the NUE LOOK at Home requested permission to have outdoor seating on the sidewalk area at the front of the store, 200 South Main Street, to include two tables and four chairs, from April 1, 2021 through October 31, 2021, with the following conditions:

- Only two 28" x 23" tables located directly outside the establishment on the sidewalk area between the windows of the storefront. Additionally, applicant is requesting approval for six faux topiary trees. This includes permission for a maximum of four (4) chairs.
- Placement of the tables & chairs will be situated on the sidewalk to ensure that a minimum of 36-inch clearance be maintained for wheelchair passage and that at no time, do the table and chairs pose an obstruction to pedestrians utilizing the sidewalk. If the Borough determines there is any impediment of the sidewalk, this approval can be revoked.
- Tables and chairs may remain outside, but they are to be neatly stacked and stowed so as not to be hazardous to pedestrians using the sidewalk after hours.
- This use is permitted from April 1, 2021 through October 31, 2021 weather permitting. Any snowy or icy road or street conditions will obviously require this use to be terminated for the year. A request for any additional time extension would need to be again submitted to the Council.
- This request is for 2021 and must be requested annually prior to the intended start date.

Michele Mathews representing Mathew Jewelers is requested permission to have outdoor seating on the sidewalk area at the front of the retail store located at 122 North Main Street, to include one table and four chairs, from April 1, 2021 through November 30, 2021, with the following conditions:

- Only one (1) small bistro sized table located directly outside the establishment on the sidewalk area, outside the front door entrance with the rear of the table against the storefront. This includes permission for a maximum of four (4) chairs.
- Placement of the table & chairs will be situated on the sidewalk to ensure that a minimum of 36-inch clearance be maintained for wheelchair passage and that at no time, do the table and chairs pose an obstruction to pedestrians utilizing the sidewalk. If the Borough determines there is any impediment of the sidewalk, this approval can be revoked.

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- The table and chairs may remain outside, but they are to be neatly stacked and stowed so as not to be hazardous to pedestrians using the sidewalk after hours.
- This use is permitted from April 1, 2021 through November 30, 2021 weather permitting. Any snowy or icy road or street conditions will obviously require this use to be terminated for the year. A request for any additional time extension would need to be again submitted to the Council.
- This request is for 2021 and must be requested annually prior to the intended start date.

Jason and Lauren Shorr representing Curio Cool, LLC is requested permission to have outdoor seating on the sidewalk area at the front of the retail store located at 113 North Main Street, to include one table and two chairs, from April 1, 2021 through October 31, 2021, with the following conditions:

- Only one (1) 25" bistro sized table located directly outside the establishment on the sidewalk area, situated at the main front window. This includes permission for a maximum of two (2) chairs.
- Placement of the table & chairs will be situated on the sidewalk to ensure that a minimum of 36-inch clearance be maintained for wheelchair passage and that at no time, do the table and chairs pose an obstruction to pedestrians utilizing the sidewalk. If the Borough determines there is any impediment of the sidewalk, this approval can be revoked.
- The table and chairs may remain outside, but they are to be neatly stacked and stowed so as not to be hazardous to pedestrians using the sidewalk after hours.
- This use is permitted from April 1, 2021 through November 30, 2021 weather permitting. Any snowy or icy road or street conditions will obviously require this use to be terminated for the year. A request for any additional time extension would need to be again submitted to the Council.
- This request is for 2021 and must be requested annually prior to the intended start date.

David J. Ellinger, proprietor of Ellinger's Meats and Deli, 142 South Main Street, requested permission to have outdoor seating on the sidewalk area at the front of the Deli, to include two tables and four chairs, from April 1, 2021 through November 30, 2021, with the following conditions:

- Only two (2) 30" circular tables located directly outside the establishment in the sidewalk area, on each side of the front door entrance to the deli. This includes permission for a maximum of four (4) chairs.
- Placement of the tables & chairs will be situated on the sidewalk to ensure that a minimum of 36-inch clearance be maintained for wheelchair passage and that at no time, do the table and chairs pose an obstruction to pedestrians utilizing the sidewalk. If the Borough determines there is any impediment of the sidewalk, this approval can be revoked.
- Tables and chairs may remain outside, but they are to be neatly stacked and stowed so as not to be hazardous to pedestrians using the sidewalk after hours.
- Tables will not be used for any full service, but rather for patrons to consume items purchased inside at the counter.
- All trash and refuse collection and disposal shall be the responsibility of the business operation.
- This use is permitted from April 1, 2021 through November 30, 2021 weather permitting. Any snowy or icy road or street conditions will obviously require this use to be terminated for the year. A request for any additional time extension would need to be again submitted to the Council.
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Gary J. Gilarno, proprietor of Stocking Stuffers Plus requested permission to have outdoor displays and sale of wares on the sidewalk area at the front of the retail store located at 125 South Main Street, to include yard stakes, flags, and other merchandise from January 1, 2021 through December 31, 2021, with the following conditions:

- Placement of yard stakes, flags, and merchandise on the sidewalk area in front of the store.
- Placement of all merchandise shall be situated on the sidewalk area in a way to ensure that a minimum of 36-inch clearance be maintained for wheelchair passage and that at no time, does store merchandise pose an obstruction to pedestrians utilizing the sidewalk. If the Borough determines there is any impediment of the sidewalk, this approval can be revoked.
- All merchandise shall be removed daily and not remained on sidewalks overnight.
- This use is permitted from April 1, 2021 through December 31, 2021 weather permitting. Sidewalks shall be cleaned of all snow prior to the placement of any merchandise on the sidewalks.
- This request is for 2021 and must be requested annually prior to the intended start date.

Angela Dawson, proprietor of Boutique 16063 requested permission to have outdoor displays and sale of wares on the sidewalk area at the front of the retail store located at 106 North Main Street, to include Clothing Racks from April 15, 2021 through October 31, 2021, with the following conditions:

- Placement of Clothing Racks on the sidewalk area in front of the store.
- Placement of all merchandise shall be situated on the sidewalk area in a way to ensure that a minimum of 36-inch clearance be maintained for wheelchair passage and that at no time, does store merchandise pose an obstruction to pedestrians utilizing the sidewalk. If the Borough determines there is any impediment of the sidewalk, this approval can be revoked.
- All merchandise shall be removed daily and not remained on sidewalks overnight.
- This use is permitted from April 15, 2021 through October 31, 2021.
- This request is for 2021 and must be requested annually prior to the intended start date.

Michelle Moletz, proprietor of the Della Terra Italian Bistro, requested permission to have outdoor seating and service with six (6) tables, maximum 28 inches or less in size, with a maximum of two (2) chairs at each table. Tables will be placed as follows, two tables at the front building on the sidewalk area, and four (4) tables, maximum 28" inches in size or less, with a maximum of two chairs on the sidewalk at the southerly side of the restaurant, from April 1, 2021 through November 15, 2021, with the following conditions:

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- All necessary Borough and PLCB rules and regulations must also be maintained yearly.
- The placement of the two (2) tables on the front sidewalk shall begin at the northerly corner of the building. At no time can the tables or chairs impinge upon the six-foot radius surrounding the sidewalk crossing ramp. The placement of the four (4) tables on the East New Castle Street sidewalk, shall begin to the right of the side access door and continue westerly until the first traffic signpost. At that point, because of the number and placement of the traffic signpost, a 36" passage cannot be maintained for wheelchair with the tables in place. See Photograph.
- Placement of the tables & chairs will be situated on the sidewalk to ensure that a minimum of 36-inch clearance be maintained for wheelchair passage and that at no time, do the table and chairs pose an obstruction to pedestrians utilizing the sidewalk. If the Borough determines there is any impediment of the sidewalk, this approval can be revoked.
- There will be a 10:00 pm limit to outdoor seating and service.
- Tables and chairs may remain outside, but they are to be neatly stacked and stowed so as not to be hazardous to pedestrians using the sidewalk after hours.
- The areas and walkways must be kept clean daily.
- All necessary insurance coverage as additional insured.
- This request is for 2021 and must be requested annually prior to the intended start date.

Motion carried 6-0.

CONSIDER THE CANCELLATION OF THE MAY 31, 2021 (MEMORIAL DAY) COUNCIL MEETING

A motion was made by Mr. Mathew, seconded by Mrs. Hess to cancel the May 31, 2021 council meeting since it falls on Memorial Day.

Motion carried 6-0.

OTHER BUSINESS:

MOTION TO RETAIN SEAT ON PMEA BOARD

Borough Manager Pepe informed council that the PMEA Board seat expires at the end of 2021 and asks if it is councils desire to retain our seat on the board. A motion was made by Mrs. Hess and seconded by Mrs. Reeb to ask the PMEA Board to be placed on the ballot for retaining our Board seat.

Motion carried 6-0.

Borough Manager Pepe asked for an Executive session on a personnel matter.
Mrs. Hess asked for an Executive session on a contractual matter.

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The meeting was recessed at 8:16 PM and returned at 8:30 PM

Council went into executive session at 8:30 PM and returned to regular session at 9:30 PM.

MOTION TO ACCEPT THE RESIGNATION OF ZONING AND CODE ENFORCEMENT OFFICER SHELLY KALTENBAUGH

A motion was made by Mrs. Hess and seconded by Mr. Mathew to accept the resignation of Shelly Kaltenbaugh, former Zoning and Code Enforcement Officer.

Motion carried 6-0.

MOTION TO ADVERTISE ZONING AND CODE ENFORCEMENT OFFICER POSITION

A motion was made by Mrs. Hess and seconded by Mr. Mathew to authorize the Borough Manager to advertise the position of Zoning and Code Officer when ready to do so.

Motion carried 6-0.

MOTION TO ADVERTISE PARKS & RECREATION DIRECTOR POSITION


A motion was made by Mrs. Hess and seconded by Mr. Semel to authorize the Borough Manager to advertise the position of Parks & Recreation Director when ready to do so.

Motion carried 6-0.


Being no further business or actions, President Bayer closed the meeting at 9:30 PM.

ATTEST:


Borough Manager


Council President

Approved by me this 14th day of June 2021.


Mayor

Date printed:5/13/2021 3:21:06 PM

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