
Minutes of the Borough Council Zelienople, PA

6/14/2021

7:30 PM Council-Regular

MasterID:

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The June 14, 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, Police Chief James Miller and Borough Engineer Tom Thompson. Attending remotely were Solicitor Bonnie Brimmeier and Public Works Director Chad Garland.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilman Mathew

VISITORS

Attending in person were Adel Fatur, Cathy Baker, Duncan Ackerman, Bob Ritter, Daniel Karns, and Steve Friel

Attending remotely were Rachael Kirshner and Donna Statzer

PUBLIC COMMENT:

Adel Fatur – Sought permission to place a patriotic banner on the Town Center parking lot fence for the 4th of July and donated a wreath for the front of the borough building.

Cathy Baker – had questions relating to signage and locations for civic organizations.

Daniel Karns – Made a prepared statement regarding WBCA's Act 537 plan submittal and pressed why the borough has not yet adopted it.

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CONSENT AGENDA:

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

- Minutes of the April 26, 2021, Public Hearing
- Minutes of the May 10, 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 AFFIRMING SPECIAL EVENT PERMIT APPLICATION FOR CRAWFISH BROIL AT FISHER'S BAR AND REQUEST FOR TEMPORARY USE OF THREE PARKING SPACES IN THE MUNICIPAL TOWN CENTER LOT

A motion was made by Mr. Semel, seconded by Mr. Mathew to affirm an email vote to approve the Special Event Permit Application for Fisher's Crawfish Broil provided by Grant McCabe, representative on behalf of Fisher's Bar, held on May 22, 2021, from 10:00 AM to 10:00 PM at the back of the Fisher's Bar property at 131 S. Main Street and to use three (3) parking spaces in the Municipal Town Center lot 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:

1. The spaces must be specifically used are 181, 182, and 183.
2. There must be a sufficient barrier between the area in use and the rest of the parking lot to insure adequate and safe use of vehicles in the lot. This must be acceptable to the borough prior to the event.
3. There must be protection on those spaces to avoid it being stained or marked from any cooking oil etc. Any damage may be the responsibility of the person making the request.
4. There must be an insurance coverage that makes the borough an additional insured, to protect the borough from any claim for damages.
5. All the above must be checked with the borough prior to the day of the event and it will be inspected the day after the event.

Their request came in on May 13, 2021, too late for the May 10, 2021 council meeting to consider. On May 18, 2021, Borough Manager asked for council to vote via email to approve or not approve and that vote be affirmed on June 14, 2021. The vote was 6-0 to approve this event.

Motion carried 6-0.

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CONSIDER CROWN CASTLE GOVERNMENT MASTER AGREEMENT FOR FIBER AND SMALL CELL POLE ATTACHMENTS

A motion was made by Mrs. Hess, seconded by Mrs. Reeb to approve the Crown Castle Government Master Agreement for Fiber and Small Cell Pole attachments in Zelienople as presented. The Crown Castle Pole Attachment agreement originally expired in November 2020. The highlights are as follows:

- It is a five (5) year agreement with a six (6) month notice for it to be cancelled or continued. Noteparticulars below.
- Crown must provide written notice of our intent to renew at least 6 months before the end of thecurrent term
- Borough can provide written confirmation of acceptance, in which case the agreement would then berenewed
- Or, if the Borough would choose not to renew under the current agreement, then it would providewritten notice of that, and negotiations would ensue to reach a new agreement
- If the Borough does not provide any response during the 6-month period, or any negotiations stretchbeyond the six-month period and go past the end of the term, then the agreement continues in placeduring the interim
- There are three (3) small cell locations with a fee of \$500.00 per location and Fifty -Eight (58) fiberattachments with a fee of \$25.00 per year.
- See the attached map indicating the location of the Crown Castle route in Zelienople. This is also partof the agreement exhibits.
- Pole construction standards are included in the document as an exhibit as well.

Motion carried 6-0.

NEW BUSINESS:

CONSIDER ACCEPTANCE OF THE BILLS TO BE PAID FOR THE MONTH OF JUNE IN THE AMOUNT OF \$667,352.50

A motion was made by Mr. Foyle, seconded by Mrs. Reeb to accept, and approve the "Bills to Be Paid" report for June in the amount of \$667,352.50.

Motion carried 6-0.

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CONSIDER PROPOSAL TO FUND BLADE SIGN BRACKETS THROUGH BOROUGH FUNDS AND WAIVE HANGING SIGN PERMIT FEE FOR BLADE SIGN INITIATIVE

A motion was made by Mr. Mathew, seconded by Mr. Semel to approve the use of Borough Sign Grant program funds, not to exceed \$2,000, on a first come first serve basis, to pay for the blade sign brackets which is \$317 each and waive the hanging sign permit cost of \$50.00 for any blade sign application. Note the permit still needs to be submitted even though the permit fee for this sign is being waived. The cost of the sign itself and the installation is at the business owner's expense.

Motion carried 6-0.

APPROVAL OF SPECIAL EVENT PERMIT APPLICATION FOR 2021 GET FIT FAMILIES ANNUAL FIRECRACKER 5K RUN CHARITY RACE EVENT ON JULY 4TH, 2021

A motion was made by Mrs. Reeb, seconded by Mr. Foyle to approve the Special Event Permit Application for 2021 Get Fit Families Annual Kampas Orthodontics Firecracker 5K and 1 mile race Event provided by Joella Baker, representative on behalf of the Get Fit Families, LLC, to be held on July 4, 2021, from 7:30 AM to 9:45 AM, the course beginning at the Zelienople Community Park.

- It is their responsibility to coordinate the event with the Borough Public Works Department, Police Department, and all Emergency Services.
- They must 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.
- Any signs must be small and not block views of traffic on any intersections. The sponsor must gain permission from all property owners to place these signs. They must also be removed as soon as the race is completed.
- Streets are not to be marked with paint of any kind.
- The sponsor must also receive the necessary approvals from Harmony Borough and the Park Board.

Motion carried 6-0.

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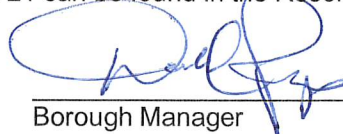
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CONSIDER REVIEW OF PROPOSED ORDINANCE # 878-21 RESOLUTION #453-21 TO AUTHORIZE STAFF TO SHARE CONFIDENTIAL TAX INFORMATION WITH THE BOROUGH FOR OFFICAL PURPOSES

A motion was made by Mrs. Hess, seconded by Mr. Foyle to approve Proposed Resolution #453-21 to authorize staff (Don Pepe, Andrew Spencer, Cindy Edwards, and Erin Norton) to have access to Berkheimer confidential tax information with the Borough for official purposes. This is part of our process to allow our new Finance Director, Erin Norton, access to confidential tax information.

A full and true copy of Resolution #453-21 can be found in the Resolution Book.



Borough Manager

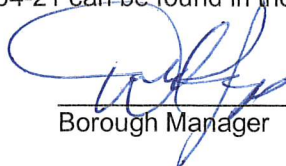
Motion carried 6-0.

CONSIDER PROPOSED RESOLUTION #454-21 REQUEST FOR THE SIGNAGE AT THE GATEWAY LOCATIONS OF RT. 288 AND 588 AND RT. 19 SOUTH AT THE EXXON STATION.

A motion was made by Mrs. Hess, seconded by Mr. Semel to approve the request from Steven Green, President and CEO of Glade Run Lutheran Services for signs to be placed at the Gateway locations at the intersection of Route 288 and 588 near the Airport and on Route 19 near the Exxon Station from July 20, 2021 through August 16, 2021 to advertise their non-profit fund raising and Resolution # 454-21, a Resolution required and prepared to allow for the signs to be erected on Borough Property as outlined above. Specifically:

- Two (2) 4 ft. X 4 ft. signs to advertise their Non-Profit fund-raising Family Food Truck Festival on August 14, 2021.
- Stand-alone signs at the intersection of Rt 288 and 588 near the Airport and the other is on Rt 19 near the Exxon Station from July 20, 2021, through August 16, 2021.

A full and true copy of Resolution #454-21 can be found in the Resolution Book.



Borough Manager

Motion carried 6-0.

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CONSIDER APPROVAL OF ANNUAL PERMIT APPLICATION FOR TABLES AND CHAIRS FOR THE WINERY AT SAPIENZA'S ON MAIN

A motion was made by Mrs. Hess, seconded by Mrs. Reeb to approve the Annual Permit Application for Tables and Chairs and Other Sidewalk Displays from Sue Vogel, proprietor of the Winery at Sapienza's on Main Street, 118 North Main Street, request to have outdoor seating on the sidewalk area at the front of the store, to include three tables and twelve chairs in use from April 1, 2021 through October 31, 2021 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 with the following conditions:

- Only three 36" x 46" tables located directly outside the establishment on the sidewalk area between the windows of the storefront. This includes permission for a maximum of twelve (12) 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.
- During the period when this is effective for Thursday nights only, tables and chairs must be brought inside on all other days. When this request takes effect for other days, 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 and chairs must be brought inside on all days When the establishment is not open.
- Tables will not be used for any full service, but rather for patrons to consume items purchased inside at the counter.
- 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.
- All trash and refuse collection and disposal shall be the responsibility of the business operation.
- This request is for 2021 and must be requested annually prior to the intended start date.

Motion carried 6-0.

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APPROVAL OF AMENDED SPECIAL EVENT PERMIT APPLICATION FOR THURSDAY NIGHT OPEN AIR MARKET TO INCLUDE CLOSURE OF E. NEW CASTLE STREET

A motion was made by Mrs. Hess, seconded by Mr. Foyle to approve the amended Special Event Permit Application – Thursday Night Open Air Market provided by Angie Dawson, representative on behalf of the Zelienople Area Business Association to include the closure of E. New Castle Street from Main to the alley behind Della Terra during the approved event being held from May 6, 2021 through October 2021 from 5pm to 9pm every Thursday evening along the sidewalks of the Main Street corridor and including the Spring Street lot 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. The Special Event Permit Application was approved on March 8, 2021, this amends the original special event permit application to add the closure of E. New Castle Street from Main Street to the Alley during the event.

Motion carried 6-0.

APPROVAL OF SPECIAL EVENT PERMIT APPLICATION FOR ZELIENOPLE'S PUTT N POUR

A motion was made by Mrs. Hess, seconded by Mr. Semel to approve the Special Event Permit Application for Zelienople's Putt n Pour provided by Rachael Kirschner, representative on behalf of the Zelienople Revitalization Committee, to be held on Saturday, August 21, 2021 from 12:00 PM to 5:00 PM on Main Street between Mathew's Jewelers to Whitey's General Store 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.

Motion carried 6-0.

CONSIDER CURB CUT AND DRIVEWAY REQUEST FOR 100 HALSTEAD BLVD

A motion was made by Mr. Mathew, seconded by Mrs. Hess to approve the request from Actung 03 LLC (Sign Innovation) for an asphalt driveway and apron installation at 100 Halstead Blvd. The proposed driveway is to be shared with another parcel 50 Halstead Blvd., also owned by Actung 03, LLC. The cost will be borne by the property owner making the request.

Motion carried 6-0.

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CONSIDER THE TRANSFER OF A PORTION OF THE EGIFT CARD REMAINING PROGRAM FUNDS TO THE ZELIENOPLE AREA BUSINESS ASSOCIATION AND THE BOROUGH RETAIN A PORTION OF THE REMAINING FUNDS FOR OTHER USES

A motion was made by Mr. Semel, seconded by Mr. Mathew to approve the redistribution of the \$41,802.50 remaining balance of unused funds at the conclusion of the one-time Yiftee eGift Card program, in the following manner. Yiftee eGiftCard contract to the Zelienople Area Business Association retaining \$9,802.50 of the balance for their use and that \$32,000.00 is returned to the Borough and distributed as follows: \$30,000 is to be given as a contribution to the Harmony Fire District for their new facility and \$2,000 is to be used to provide additional funds for the blade sign grant initiative.

Motion carried 6-0.

CONSIDERATION FOR PAY ESTIMATE #1 TO THE CONSTRUCTION CONTRACT FOR THE ZELIENOPLE BOROUGH ELECTRIC UTILITY UNDERGROUND SERVICE WORK PROJECT – CONTRACT 20-02

A motion was made by Mr. Mathew, seconded by Mrs. Hess to approve M and B Services LLC Contract 20-02 Pay Estimate No. 1 in the amount of \$1,700.77 for the Zelienople Borough Electric Utility Underground Service Work Project – Contract 20-02. The work has been completed and the Borough will be reimbursed from the DCED grant once paid.

Motion carried 6-0.

CONSIDERATION OF PAY ESTIMATE #2 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 M and B Services LLC ECMS Pay Estimate No. 2 in the amount of \$18,800.36 for the Zelienople Borough Revitalization/Economic Development Phase 2 – ECMS Project. The work has been completed and the pay request has been approved by PennDOT and are waiting on funds from the Treasurer's office for their portion of the work. The balance will be requested from the DCED grant once paid by the Borough.

Motion carried 6-0.

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CONSIDERATION OF PAY ESTIMATE #3 TO THE CONSTRUCTION CONTRACT FOR THE ZELIENOPLE BOROUGH REVITALIZATION ECONOMIC DEVELOPMENT PHASE 2 – ECMS PROJECT

A motion was made by Mrs. Reeb, seconded by Mrs. Hess, to approve M and B Services LLC ECMS Pay Estimate No. 3 in the amount of \$39,189.59 for the Zelienople Borough Revitalization/Economic Development Phase 2 – ECMS Project. The work has been completed and pay request has been approved by PennDOT and are waiting on funds from the Treasurer's office for their portion of the work. The balance will be requested from the DCED grant once paid by the Borough.

Motion carried 6-0.

CONSIDERATION OF PAY ESTIMATE #4 TO THE CONSTRUCTION CONTRACT FOR THE ZELIENOPLE BOROUGH REVITALIZATION ECONOMIC DEVELOPMENT PHASE 2 – ECMS PROJECT

A motion was made by Mr. Foyle, seconded by Mrs. Hess to approve M and B Services LLC ECMS Pay Estimate No. 4 in the amount of \$88,762.58 for the Zelienople Borough Revitalization/Economic Development Phase 2 – ECMS Project. The work has been completed. The pay request has been approved by PennDOT and we are waiting on funds from the Treasurer's office for their portion of the work. The balance will be requested from the DCED grant once paid by the Borough.

Motion carried 6-0.

CONSIDERATION FOR CHANGE ORDER NO. 2 TO THE STREETScape PROJECT PHASE 2 ELECTRIC UTILITY UNDERGROUND SERVICE WORK CONTRACT 20-02 PROJECT

A motion was made by Mr. Mathew, seconded by Mrs. Reeb to approve M and B Services Change Order No. 2 for establishing a unit price of \$86.69/CY for Class 1B Excavation, downspout replacement at \$23.14 and decking at \$277.91. For the Streetscape Project Phase 2, there are portions of the sidewalk between the PennDOT right-of-way and the business entrance doors that require replacement as part of the project. The ECMS project prohibits work outside of the right-of-way. M and B Services has agreed to hold their unit price as part of the ECMS project for this work. This change order establishes the unit price of excavation associated with the sidewalk replacement, establishing a unit price for replacing deteriorated downspout drains and providing the decking over the door void at Shu Brew so that the work can be reimbursed through the DCED grant. The unit price of excavation is \$86.69 per CY is M and B Services bid price for the same work covered by the ECMS contract. The unit price for the drains and decking is the same as the Phase 1 project.

Motion carried 6-0.

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OTHER BUSINESS:

MOTION TO ALLOW BANNER SIGN ON BOROUGH PARKING LOT FENCE

A motion was made by Mrs. Hess, Seconded by Mr. Mathew, to allow the Historical Society to place a patriotic banner on the Town Center Parking Lot fence for the month from June 27, 2021, through the month of July. The design must be approved by the borough prior to any installation. This request does not fall under the provision of Borough Zoning Ordinance Section 902-1D which permits the installation of a temporary sign or banner on Borough property and public rights-of-way for the promotion or sponsorship of events or activities of non-profit organizations, requiring an approved resolution since it is not advertising any non-profit event. It is requested however, that any future request of this kind be submitted to the borough in advance of a public meeting for consideration.

Motion carried 6-0.

Borough Manager Pepe asked for an Executive session on a personnel matter.
Tom Thompson asked for an Executive session on a potential litigation matter.

The meeting was recessed at 8:53 PM and returned at 9:00 PM

Council went into executive session at 9:00 PM and returned to regular session at 9:30 PM.

Upon return the following motion was made:

MOTION TO PROMOTE CINDY EDWARDS INTO ASSISTANT TO THE MANAGER POSITION

A motion was made by Mrs. Hess, second by Mr. Semel to approve the recommendation of the Human Resources Committee (HRC) to promote Cindy Edwards from Executive Assistant/Systems Administrator to Assistant to the Manager. Reason being that her job functions have expanded, and the new position more fully reflects the role she has been asked to perform. The new job description was also reviewed considering this request. The salary level will move from a Grade Level 20 current salary \$50,429.67 to Grade Level 29 Salary level \$53,485 effective with the pay period beginning June 21, 2021.

Motion carried 6-0.

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Being no further business or actions, President Bayer closed the meeting at 9:31 PM.

ATTEST:



Borough Manager



Council President

Approved by me this 28th day of June 2021.



Mayor