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# *Minutes of the Borough Council Zelienople, PA*

9/27/2021

7:30 PM Council-Regular

MasterID:

705

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The September 27, 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, Doug Foyle, Marietta Reeb, and Mayor Thomas Oliverio. Attending remotely was council member Ralph Geis.

Also, in attendance were Borough Manager Don Pepe, Chief James Miller and Borough Engineer Tom Thompson Attending remotely was Solicitor Bonnie Brimmeier.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Allen Bayer.

## VISITORS

### In Person:

- Lynn Grinder
- Kristen Hogan
- Jan Maharg
- Gary Himmelwright
- Cindy Mellenthin
- Jen Maharg
- Jim Hulings
- Marsha Grabowski
- Matthew Edwards
- Zachary Shumaker
- Cathy Baker
- Christine Patton
- Adel Fatur
- Jeff Peters

### Remotely:

- Jeff Peters (initially, arrived later in person)
- Others were present who did not identify themselves.

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## PUBLIC COMMENT:

Adel Fatur – noted request for the Halloween decorating contest  
Marsha Grabowski -commented on the upcoming public hearing on October 4, 2021  
Cindy Mellenthin – commented on the upcoming public hearing on October 4, 2021

## CONSENT AGENDA:

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

- Minutes of the September 13, 2021, Council Meeting

Motion carried 7-0.

## OLD BUSINESS:

None

## NEW BUSINESS:

### CONSIDER SPECIAL EVENT PERMIT APPLICATION– COUNTRY FALL FESTIVAL

A motion was made by Mrs. Semel, seconded by Mrs. Reeb to approve the Special Event Permit Application for the Country Fall Festival provided by Matthew Edwards, representative on behalf of the Zelienople Area Business Association, to be held on October 9, 2021 through October 10, 2021 from 10:00 AM to 7:00 PM along Four Corners Park, Main Street Sidewalks, Spring Street, and Spring Street Park Lot provided that the responsible party noted in the application 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 and with the following conditions and clarification noted below as Council directed:

- Permission for sidewalk sales, crafters / artists, antique vendors, kids' activities, contests & games, historic encampments, farmers market, organizations, and food vendors to set up and operate booths in the Four Corner Parks, located at Main St. & Grandview Ave, and south on Main St. to Beaver St.
- Permission for Horse Drawn Carriage Wagon Rides has been changed to a tractor drawn wagon ride and reserved spaces in front of the memorial area (2 parking space) if needed. A schedule will be

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implemented, and rides will be limited to single groups or family units.

- Permission for outdoor music and entertainment in the gazebo and various locations along Main Street during the event.
- Permission for use of the South Parking Lot and the closing of Spring Street from Main Street to the exit of the lot. They are requesting that the Spring Street parking lot be closed completely at 12:00 PM and Spring Street is closed at 10:00 PM on Friday, October 8, 2021, to enable them to erect the necessary tents in the area.
- They are requesting electric service from the pole by St. Paul's Church in the northwest corner park and use of the 220-amp service at the Borough's existing metered sites as needed. Note: Access to water service has always been provided in the past also in addition to the electric service. This must be coordinated with Chad Garland the Borough Public Works Director.
- The Fall Festival event coordinators will employ its own Maintenance Team which will oversee the placement of trash receptacles throughout the event area and maintain all public trash receptacles in the festival area in addition to the placement and maintenance of portable toilets and will facilitate the clean-up and tear-down of the event no later than Sunday, October 10, 2021.
- There will be tents used at various locations throughout the event area. Any tents used on blacktop areas (south parking lot, Spring St., etc.) would not be secured by pegs/stakes into the blacktop area rather they would be secured by other weighted means.
- Certificate of Insurance adding the Borough as an additional insured.

Motion passed 7-0.

## CONSIDER SPECIAL EVENT PERMIT APPLICATION– GREAT PUMPKIN RACE

A motion was made by Mrs. Reeb, seconded by Mr. Semel to approve the Special Event Permit Application for the 11th Annual Great Pumpkin Race provided by Matt Harmanos, representative on behalf of St Gregory, to be held on October 24, 2021 from 3:00 PM to 6:00 PM along the parking lot of St. Gregory and streets on the west side of Main Street provided that the responsible party noted in the application 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 and with the following conditions:

- Sponsor to notify any affected neighbors of the road closure on Spruce Street near the church.
- The Borough is agreeing to close the road as stipulated for their event.
- 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.
- They coordinate with the Street Department to obtain cones, barricades, and signs for street closure and coordinate with the Police Department for safety concerns, no later than Monday prior to the event.



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- Responsible party is liable for the return of any Borough owned cones, barricades, signs, etc. and must sign a release form for the use of such borough owned property.
- 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 7-0.

## CONSIDER SPECIAL EVENT PERMIT APPLICATION - HARVEST/HALLOWEEN PORCH DECORATING CONTEST FOR ZELIENOPLE RESIDENTS AND BUSINESSES

A motion was made by Mrs. Hess, seconded by Mrs. Reeb to approve the Special Event Permit Application for a Harvest/Halloween Decorating Contest provided by Adel Fatur, to be held from October 23, 2021 to October 31, 2021 throughout the town provided that the responsible party noted in the application 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.

Motion passed 7-0.

## CONSIDER SPECIAL EVENT PERMIT APPLICATION- EUGENE AND THE NIGHT CRAWLERS CONCERT

A motion was made by Mrs. Foyle, seconded by Mrs. Reeb to approve the Special Event Permit Application for Eugene and the Night Crawlers Concert provided by Zachary Shumaker, representative on behalf of Shu Brew, LLC, to be held on October 10, 2021 from 5:00 PM to 7:00 PM at the Zelienople Community Park provided that the responsible party noted in the application 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 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 7-0.

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## ACKNOWLEDGE RECEIPT OF 2022 MINIMUM MUNICIPAL OBLIGATION – POLICE PENSION PLAN

A motion was made by Mrs. Semel, seconded by Mrs. Hess to acknowledge the receipt of the 2022 Minimum Municipal Obligation (MMO) for the Police Pension Plan in the amount of \$138,734.

Motion passed 7-0.

## ACKNOWLEDGE RECEIPT OF 2022 MINIMUM MUNICIPAL OBLIGATION – NON-UNIFORMED PENSION PLAN

A motion was made by Mrs. Hess, seconded by Mrs. Foyle to acknowledge the receipt of the 2022 Minimum Municipal Obligation (MMO) for the Non-Police Pension Plan in the amount of \$110,463.

Motion passed 7-0.

## CONSIDER PAY ESTIMATE #9 TO THE CONSTRUCTION CONTRACT FOR THE ZELIENOPLE BOROUGH REVITALIZATION ECONOMIC DEVELOPMENT PHASE 2 – ECMS PROJECT

A motion was made by Mrs. Mathew, seconded by Mrs. Reeb to approve M and B Services LLC ECMS Pay Estimate No. 9 in the amount of \$45,519.17 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 the check 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 passed 7-0.

## CONSIDER TREK DEVELOPMENT GROUP RELEASE NO. 1 OF THEIR FINANCIAL GUARANTEE FOR JEREMIAH VILLAGE

A motion was made by Mrs. Reeb, seconded by Mrs. Semel to approve Trek Development Release No. 1 in the amount of \$1,020,335.00. Trek Development Group has submitted their first request for release for materials installed on the Jeremiah Village development. Gannett Fleming has reviewed this request and confirmed that the materials have been installed and recommend approval of the release. The amount to be released is \$1,020,335.00 and the amount to be retained (balance) is \$195,803.

Motion passed 7-0.

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## CONSIDERATION FOR A TRAFFIC STUDY TO DETERMINE THE FEASIBILITY TO INSTALL A SOUTHWEST BYPASS FROM ROUTE 68 TO ROUTE 19

A motion was made by Mrs. Semel, seconded by Mrs. Hess to approve the scope of work for a traffic study in the amount of \$22,000 to determine the feasibility to install a Southwest Bypass from Route 68 to Route 19. The topic of a southwest bypass of Zelienople has been discussed numerous times in the past. The scope of work considers three (3) specific alternate routes to develop preliminary cost estimates for consideration.

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 9/23/2021 this includes any discussion and removal/addition of items from the previous month.

No action vote was taken.

## Reports

### Committees Reports:

Mrs. Hess: Main St. Revit. Committee – 4 corner park & Explore Zelig participation.  
- Reported on possible façade grant available through DCED  
- Reported that St. Paul church celebrated their 200 anniversary

Mr. Semel: COG – no report  
Airport Authority – no report  
IT – committee will meet prior to budget discussions.

Mr. Geis: Electric – Reported on AMI progress  
Bldg. /Finance – Audit in progress and 2022 budget process in progress  
Pension – setting up meeting to review potential to refinance 2029 bond issue

Mr. Foyle: Pension Committee – no report  
Library – Update fundraising efforts.



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Mrs. Reeb: Public Safety/Street/Sidewalk/Storm water – mentioned complaint of sewer odor on the west side of town near airport  
-mentioned she had gotten reports of water access being cut off from Passavant residents. We will ask what this situation is and whether it relates to our water system.

Historical Society – no report

Mr. Mathew: Water – no report  
EMA – no report  
Fire Dept. Liaison – no report  
Shared Services – no report

Mr. Bayer: HRC – meetings have begun again for the year.  
PMC – no report but a meeting will be scheduled soon.

Mayor - Will be attending the PSAB conference in Erie in October.

Manager - Requested a short executive session on a personnel item

Assistant Manager – no report

Solicitor – no report

Engineer – no report

Police Chief – reported the purchase of a new Unmarked police vehicle

Public Works Director – no report

Zoning/Codes Officer – no report

Time of break (if needed): 8:14 PM; Return: 8:20 PM

Executive Session (if needed) Time: 8:20 PM; Return: 8:24 PM

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## MOTION TO ADD THE ANNUAL MERIT INCREASE FOR NON-UNIFORMED EMPLOYEES FOR 2021 TO THE AGENDA

A motion was made by Mrs. Hess, second by Mr. Mathew, to add the Annual Merit increase for non-uniformed employees for 2021 to the agenda.

Motion passed 7-0.

## ANNUAL MERIT INCREASE FOR NON-UNIFORMED EMPLOYEES FOR 2021

A motion was made by Mrs. Hess, second by Mr. Mathew, to make any merit increase from the 3.0% merit increase pot effective after performance reviews in the first pay period in April.

Motion passed 7-0.

Jeff Peters addressed council in public comment. He was allowed to do so at this time since he could not participate remotely and came to the meeting to speak. He asked questions relating to the procedures for the upcoming public hearing. It was noted that the borough will continue to use its usual public hearing process and that all individuals need due is to sign up per the normal process to be able to speak. No one will be prevented to speak even if they had spoken at the last public hearing. Time limits and requests to refrain from repetition will be dealt with at the public hearing if the need arises. He also asked what the boroughs response is to the ordinance rewrite draft his group provided. He was told that the borough will respond to this draft after all public comment is received and not at this time.

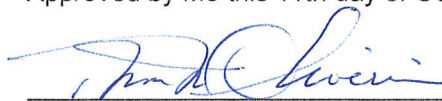
Being no further business, President Bayer closed the meeting at 8:27 PM.

ATTEST:

  
Borough Manager

  
Council President

Approved by me this 11th day of October 2021.

  
Mayor