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# *Minutes of the Borough Council Zelienople, PA*

10/31/2022

3:00 PM Council-Regular

MasterID:

733

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The October 31, 2022, Council Meeting of the Zelienople Borough Council was called to order at 3:00 PM by Council President Mary Hess in the Council Chambers located at 111 W New Castle St., Zelienople PA 16063. This meeting was held in an in-person environment as well as remotely through the WebEx technology to comply with the safety of all concerned and to allow for offsite participation. 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 Mary Hess, Gregg Semel, Marietta Reeb, Doug Foyle, and Mayor Thomas Oliverio. Council Member Ralph Geis attended remotely. Council Member Andrew Mathew, III and Allen Bayer did not attend.

Also, in attendance were Borough Manager Don Pepe, Police Chief James Miller, Parks and Recreation Director Jason Mentel, Zoning/Code Officer Jason Sarver, Borough Solicitor Bonnie Brimmeier, and Borough Engineer Tom Thompson. Public Works Director Chad Garland attended remotely.

#### PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Doug Foyle

#### VISITORS:

##### In Person:

Cindy Mellenthin, Kevin Behun, Pat Murray, Tony Cooper, Donna Statzer, and Randy Hart.

##### Remotely:

Mike Sosak and Christine Patton

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#### PUBLIC COMMENT

Pat Murray had questions pertaining to the commercial and residential inspections, but not as it pertains to fire. Don Pepe asked him to submit his suggestions for changes and informed him that changes could be made to the ordinance prior to the adoption of the ordinance.

Donna Statzer commended on the Fire District access and thanked Mary, Don, and Jason for their time. She requested a PennDOT study for compression release engine brakes. Chief informed her that a prior study was already conducted and found that if a hill is steep, then the use of compression release engine brakes can't be prohibited.

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---

## CONSENT AGENDA:

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

- Minutes of the October 31, 2022, Council Meeting.

Motion carried 5-0.

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

- Transfer of Funds, \$150,000.00 from the Electric Fund to the General Fund, if needed.

Motion carried 5-0.

A motion was made by Mr. Semel, seconded by Mr. Foyle, to approve:

- Transfer of Funds, \$45,375 From the General Fund to the Parks & Recreation Fund.

Motion carried 5-0.

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

- Transfer of Funds, \$115,800 from the Butler County Infrastructure Bank Loan to the General Fund to pay for the Linden Street Culvert Replacement Project.

Motion carried 5-0.

## OLD BUSINESS:

None

## NEW BUSINESS:

### CONSIDER SPECIAL EVENT PERMIT APPLICATION–MIRACLE ON MAIN STREET

A motion was made by Mrs. Reeb, seconded by Mr. Foyle, to approve Zelienople Area Business Association request for Special Event Permit Application – Miracle on Main Street/Holiday Parade to be held on December 1, 2022 from 4:00 PM to 8:00 PM in

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---

the Main Street business district 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.

Plans include the annual Holiday Parade on Main Street beginning at 6:00 PM. The Borough will apply for the parade permit from PA DOT on their behalf.

The conditions of this event include:

- Coordinate this event with the Miracle on Main Street event and the Thursday Night Open Air Market.
- Coordinate with the Borough Street Department and Emergency Services.
- Responsible to advise all parade participants that throwing candy from vehicles or from the street is strictly prohibited, participants may distribute candy by walking alongside of the curbs and handing it out to spectators.

Motion carried 5-0.

## CONSIDER APPROVAL FOR THE UPDATED BOROUGH OF ZELIENOPLE PARKS RULES AND REGULATIONS

A motion was made by Mr. Foyle, seconded by Mr. Semel, to approve the updates to the Borough of Zelienople Parks Rules and Regulations. The addition of a new Parks and Recreation Department required an update to the rules and regulations for the park to address improvements in operation of that facility. The updated Parks Rules and Regulations reflects these updates.

Motion carried 5-0.

## CONSIDER APPROVAL FOR THE UPDATE OF ZELIENOPLE POOL POLICIES, GUIDELINES AND RULES

A motion was made by Mr. Semel, seconded by Mrs. Reeb, to approve the updates to the Borough of Zelienople Pool Policies, Guidelines and Rules. The Parks and Recreation Department has updated the rules and policies for the pool which includes Development of Inclement Weather/Pool Closing Policy, Pool Rental Policy, and Zelienople Pool Policies and Guidelines.

Motion carried 5-0.

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---

## CONSIDER APPROVAL FOR THE UPDATED ZELIENOPLE PARKS AND RECREATION SHELTER AND GAZEBO RULES AND REGULATIONS

A motion was made by Mr. Reeb, seconded by Mrs. Semel, to approve updates to the shelter and gazebo rules and regulations. The Parks and Recreation Department has updated the rules and regulations for the shelters and gazebo rentals.

Motion carried 5-0.

## CONSIDER REAPPOINTING JACK BONUS TO CONTINUE AS A BOROUGH REPRESENTATIVE ON THE ZELIENOPLE AIRPORT AUTHORITY BOARD

A motion was made by Mr. Semel, seconded by Mrs. Reeb to approve reappointing Jack Bonus to the Airport Authority for another Five (5) year term effective December 31, 2022 to December 31, 2027. Jack Bonus has expressed a desire to seek another five (5) year term. The current term of Jack Bonus as a member of the Airport Authority Board will expire on December 31, 2022.

Motion carried 5-0.

## CONSIDER APPROVAL OF REQUEST TO AUTHORIZE TO ADVERTISE PROPOSED ORDINANCE #881-22 THE SAFETY INSPECTIONS FOR ALL COMMERCIAL PROPERTIES LOCATED IN ZELIENOPLE BOROUGH

A motion was made by Mr. Geis, seconded by Mr. Semel, to approve the request to advertise Proposed Ordinance #881-22, the Safety Inspections for all Commercial Properties located in Zelienople Borough. These inspections would be conducted by Zelienople's Zoning/Code Officer. Every commercial property would be subject to an inspection every three years. There is zero cost for an inspection but a \$500 per unit fine applied if owner is found operating a business without required Registration and License. All inspections are based on adopted International Property Maintenance Code.

Motion carried 5-0.

## CONSIDER APPROVAL OF REQUEST TO AUTHORIZE TO ADVERTISE PROPOSED ORDINANCE #882-22 THE SAFETY INSPECTIONS FOR ALL RESIDENTIAL RENTAL PROPERTIES LOCATED IN ZELIENOPLE BOROUGH

A motion was made by Mr. Semel, seconded by Mr. Foyle, to approve the request to advertise Proposed Ordinance #882-22, the Safety Inspections for all Residential Rental Properties located in



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---

Zelienople Borough. These inspections would be conducted by Zelienople's Zoning/Code Officer. Every residential rental property unit would be subject to an inspection every three years. There is zero cost for an inspection but a \$500 per unit fine applied if owner is found operating a rental without required Registration and License. Occupants whom are direct relation to the record owner, specifically, mother, father, brother, sister, son or daughter will not be considered a Residential Rental Unit. All inspections are based on adopted International Property Maintenance Code.

Motion carried 5-0.

## CONSIDER APPROVAL OF REQUEST TO AUTHORIZE TO ADVERTISE PROPOSED ORDINANCE #884-22 TO REGULATE SHORT TERM RENTAL PROPERTIES LOCATED IN ZELIENOPLE BOROUGH

A motion was made by Mr. Semel, seconded by Mr. Foyle, to approve the request to advertise Ordinance #884-22, an Ordinance to regulate short term rental properties located in Zelienople Borough.

Short Term Rental – A dwelling in which the owner rents any area to one (or more) individuals) for less than thirty 30 consecutive days. This definition applies to all types of residential dwellings including properties commonly considered as seasonal homes, vacation homes, or tourist homes, Air BNB and standard Bed and Breakfast facilities.

Location- Short Term Rentals shall be permitted on Main Street and East/West Grandview Avenue up to Clay Street

Annual Safety Inspection- Performed by Borough Code Enforcement/Zoning Officer. There is zero cost for an inspection but a \$500 per unit fine applied if owner is found operating a Short Term Rental without required Registration and License.

Noise Violation Penalty Structure-

3+ Violations License Suspension- 6 Months

5+ Violations License Revoked

Motion carried 5-0.

## CONSIDER APPROVAL OF VARIANCES RECOMMENDED BY PLANNING COMMISSION FOR FUTURE SITE OF FIRE DISTRICT STATION

A motion was made by Mrs. Reeb, seconded by Mr. Semel, to approve Land Development that is to be located at 424 Main Street, the future site of Harmony District Fire Station. The Planning

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---

Committee reviewed the revised Land Development plans dated October 18, 2022 prepared by Langan and made the Recommendations to Council.

During the August 17, 2022 meeting, The Planning Committee recommended the Harmony Fire District be granted variances for the following:

1. Consolidate 4 lots into 1 and modify the existing lot (Rt 19 4 lots together, 1 landlocked lot "Lot B" with access to High Street). "Lot B" is undersized (under 12,000 feet) feet of the R-1 District. (§280-601.E.1.a)

2. Allow 2 access points to Rt 19. Land developments are limited to one (1) access point per parcel. They have submitted a variance for having two access points. (§240-44.l)

3. Allow rear emergency access from High Street with the following stipulations:

a. A variance granted for the width and material of the 12-foot gravel access road. The minimum width is 20 feet. (§240-53.A) All driveways and parking areas other than single family shall have an aggregate base course, a bituminous hinder course and a bituminous wearing course with sufficient structural strength to carry anticipated wheel loads. (§190-19.2).

b. An easement is included for the access way and that in the event that the lot is sold the easement is extinguished. Since Parcel B is a separate lot, the access road should include an easement in the event the lot is sold.

b. The access way is clearly marked at both ends as one-way into the Fire District parking lot

c. A barrier is installed at the Fire District parking lot entrance to be opened in event of emergency

d. The Borough study improvement of the intersection of High St and Terrace Ave with two Stop Signs and no parking at the corners per Borough standards

4. Approval of the Land Development Plan

5. Contingencies as noted in Fire Station Land Development Letter for PennDOT granting Highway Occupancy Permits for both driveway and storm sewer

Motion carried 5-0.

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10/31/2022

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---

## CONSIDER THE PURCHASE OF ADDITIONAL SECURITY CAMERAS FOR THE BOROUGH

A motion was made by Mrs. Reeb, seconded by Mr. Foyle, to approve the purchase of additional security cameras from Guardian Protection at a cost of \$26,084.22, plus a monthly maintenance fee of \$664.54.

Currently, the Borough has fourteen security cameras in operation. There are four inside the borough building, three on the outside of the building, three that view areas of the Town Center Lot, and four at the Community Park. During the past 6 to 12 months, there has been an increase in vandalism incidents at the park and increased of questionable behavior taking place in the southeast corner of the Town Center Lot. These issues have been reviewed by the Borough Manager, Chief of Police and the PMC. The review also included the possibility of adding additional cameras along the Main Street corridor. As a result of this review, it was decided that we should determine what the cost would be to add additional security cameras in the Borough that would include the southeast corner of the Town Center Lot, additional cameras at the Community Park, Main Street at Spring Street, Main Street and Grandview Avenue and the street department complex.

The Chief of Police contacted Guardian Protection to provide us with a quote as to how much it would cost to upgrade all security camera system. Guardian is our current security provider for our buildings and affiliated with Armstrong Cable services, our cable provider. Guardian did provide a quote to upgrade our system. First off, they will consolidate our current camera system with the new cameras and establish a control center at the police department and provide support as needed. The standard cost to upgrade our system would be \$52,168.44. Fortunately, Guardian is offering a law enforcement discount of 50% off the regular cost off the equipment if it is determined the equipment is used for law enforcement purposes. Since the police department does provide law enforcement and security services to all Borough properties, we then qualify for the 50% discount.

The cost will be \$26,084.22 to upgrade our security camera system. If desired, the borough can enter a maintenance, upgrade and inspection contract with Guardian at \$664.54 per month. The Borough Manager has identified funding within the current budget to cover this expense.

Motion carried 5-0.

## CONSIDERATION FOR CHANGE ORDER NO. 1 TO THE LINDEN STREET CULVERT REPLACEMENT PROJECT FOR THE ADJUSTMENT OF LIQUIDATED DAMAGES

A motion was made by Mr. Semel, seconded by Mr. Foyle, to approve Change Order No. 1 from Steel Nation Environmental, Inc. in the amount of \$4,200.00 for the Linden Street Culvert Replacement



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---

Project. Steel Nation Environmental, Inc. has completed the change order to adjust for applying liquidated damages. The Contractor was to complete all work by September 13, 2022, but the paving work was delayed until October 4, 2022. This resulted in 21 days over the contract period and a damage of \$4,200.

Motion carried 5-0.

## CONSIDERATION FOR ESTIMATE 3 TO THE CONSTRUCTION CONTRACT FOR THE LINDEN STREET CULVERT REPLACEMENT PROJECT

A motion was made by Mr. Geis, seconded by Mr. Foyle, to approve Steel Nation Environmental, Inc. Estimate No. 3 in the amount of \$17,000.00 for the Linden Street Culvert Replacement Project. The work has been completed.

Motion carried 5-0.

## CONSIDERATION FOR APPROVING THE FINAL COMPLETION CERTIFICATE FOR THE LINDEN STREET CULVERT REPLACEMENT PROJECT

A motion was made by Mrs. Reeb, seconded by Mr. Semel, to approve final completion certificate for Steel Nation Environmental, Inc. for the Linden Street Culvert Replacement Project. Steel Nation Environmental, Inc. completed the work as of October 4, 2022.

Motion carried 5-0.

## CONSIDER CHANGE IN SALARY STATUS FOR LABORER POSITIONS DUE TO SALARY SURVEY FOR THE LABOR POSITION

A motion was made by Mr. Geis, seconded by Mr. Reeb, to approve an immediate salary increase to Labor Positions of \$5,740 to \$38,538 or \$18.52 per hour effective November 7, 2022.

HRC completed their periodic position salary evaluation and comparison of the Laborer positions and found that these positions were under compensated as compared to other municipalities in the Pennsylvania survey. Given these factors it was determined to ask council to increase the salary for this staff to the midpoint of the salary Grade 8 for the Labor position. Labor Positions are currently at the beginning of salary Grade 8, \$32,798 (\$15.76 per hour) the midpoint is \$38,538 (\$18.52). This change would be effective November 7, 2022.

Motion carried 5-0.



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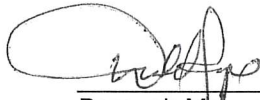
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CONSIDERATION OF RESOLUTION #481-22, A RESOLUTION FOR THE SUPPORT OF THE HARMONY FIRE DISTRICT FOR THEIR BUILDING PROJECT AND THEIR APPLICATION TO THE BUTLER COUNTY INFRASTRUCTURE BANK PROGRAM

A motion was made by Mr. Reeb, seconded by Mr. Semel, to adopt Resolution #481-22, a Resolution for the support of the Harmony Fire District for their building project and their application to the Butler County Infrastructure Bank Program.

The Harmony Fire District is making application to the Butler County Infrastructure Bank program to assist them in their fire station building project. This resolution is a letter of support to the Fire District in that application and in providing organizational and funding guidance to them in this process. Proposed Resolution #481-22 is prepared for this purpose.

A full and true copy of Resolution #481-22 can be found in the Resolution Book.



\_\_\_\_\_  
Borough Manager

Motion carried 5-0.

OTHER BUSINESS:

None

COUNCIL REQUEST FOR INFORMATION

Council reviewed the monthly request for information spreadsheet and facilities management schedule with all the items updated as of 10/28/2022 this includes any discussion and removal/addition of items from the previous month.

No action vote was taken.

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---

## REPORTS

### Committees Reports:

#### Mrs. Hess:

- Human Resources: Noted changes were made to job descriptions and a training incentive program was created.
- Parks & Recreation: no report
- Main St. Revit. Committee: no report
- Strategic Planning: no report
- Requested advertising for Strategic Planning Meeting on December 5th.

#### Mr. Semel:

- IT: no report
- Main St. Revit. Committee: no report
- COG: no report
- Airport Authority: no report

#### Mr. Geis:

- Electric: no report
- Bldg./Finance: Noted 1st budget committee meeting will be on Wednesday 11/2/22
- Pension: no report
- Bond refinancing: no report

#### Mr. Foyle:

- Pension Committee: no report
- Library: Noted the hiring of a new Library Director

#### Mrs. Reeb:

- Public Safety/Street/Sidewalk/Storm Water: no report
- Historical Society: Noted that they're done with donut fundraiser.
- Shared Services Committee: no report

#### Mr. Mathew:

- Water: No report
- Police Matters: no report
- Fire Dept. Liaison: no report
- Shared Services: no report

Mayor: Noted that he attended the PSAB and BC Boroughs Association Meetings. Also mentioned that the Lion's Club parade was successful.

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733

---

Manager: Reported on the request to PennDOT for state road speed reduction within the borough.

Solicitor: no report

Engineer: no report

Police Chief: no report but asked for an executive session on Personnel

Public Works Director: no report

Zoning/Code Officer: no report

Finance Director: Not present

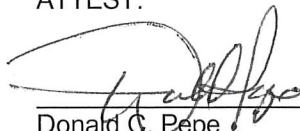
Parks and Recreation Director: No report


Time of Break (if needed) Time: 4:35 pm ; Return 4:40 pm

Executive Session (if needed) Time: 4:40 pm; Return: 4:50 pm

Being no further business, President Hess closed the meeting at 4:50 PM.

ATTEST:

  
\_\_\_\_\_  
Donald C. Pepe  
Borough Manager

  
\_\_\_\_\_  
Mary E. Hess  
Council President

Approved by me this 14th day of November 2022.

  
\_\_\_\_\_  
Thomas M. Oliverio  
Mayor