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# *Minutes of the Borough Council Zelienople, PA*

12/12/2022

7:30 PM Council-Regular

MasterID:

736

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The December 12, 2022, Council Meeting of the Zelienople Borough Council was called to order at 7:30 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, Andrew Mathew III, Marietta Reeb, Ralph Geis, Doug Foyle, and Mayor Thomas Oliverio. Council Members Gregg Semel and Allen Bayer attended remotely.

Also, in attendance were Borough Manager Don Pepe, Police Chief James Miller, Zoning & Codes Officer Jason Sarver, Borough Solicitor Bonnie Brimmeier, and Borough Engineer Tom Thompson.

#### EXECUTIVE SESSION:

Mrs. Hess noted that there was an Executive Session concerning the Personnel items at 7:00 PM. Session adjourned at 7:20 PM.

#### PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Don Pepe

#### VISITORS:

In Person: Scott Cooper, Kelly Perry, David Williamson, Ann Metzger, Eric DiTullio, Darla Hembree, Tammy Fisher, Tony Cooper, Rich Cogliotti, William Schlichtkrull, Ann John, Jim Zeigler, Jr., Daniel Karns, Shawn Boros, Pat Murray, Bob Kelly, Mary Metzger, Paul Metzger, Eric Kennedy, Brett Quickle, Ed Hildebrand, Charles Catela and Dan Fritch

Remotely: Donna Statzer, Lesa Gallagher, Chris Kopacz and Steve Shoppe

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#### PUBLIC COMMENT:

Presentation was given by the Zelienople Police Department. A \$450 donation was given to the Zelienople Library.

Kelly Perry, Eric DiTullio, Anna Metzger, Phil Lope, Tammy and Mike Fischer, Sandra Cox, Pat Murray, Eric Kennedy, and Robert Kelly, Jr. made comments pertaining to the commercial and residential inspection ordinances.

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## CONSENT AGENDA:

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

- Minutes of the November 28, 2022, Council Meeting.
- Transfer of Funds, \$531,000.00 from the Electric Fund to the General Fund, if needed.

Motion carried 7-0.

## OLD BUSINESS:

### CONSIDER FORMAL ADOPTION OF PROPOSED ORDINANCE NO. #885-22, AN ORDINANCE SETTING THE LOCAL REAL ESTATE TAX RATE FOR 2023

A motion was made by Mr. Geis, seconded by Mr. Mathew, to adopt Proposed Ordinance #885-22 setting the 2023 Real Estate Tax Millage Rates.

There is a modest proposed change in the Library Tax millage rate tax change of a one (.57) mill increase for 2023 to assist the library. Proposed Ordinance # 885-22 has been prepared for that purpose and reflects the proposed real estate tax rates for the Borough of Zelienople for the calendar year of 2023.

All other tax rates remain level. The proposed complete rates are as follows:

Tax rate for General purposes	1.81 mills
Tax rate for Recreation purposes	1.00 mills
Tax rate for Fire Department purposes	3.00 mills
Tax rate for Library purposes	1.57 mills
Total	7.38 mills

Proposed 2023 Budget was prepared based upon this proposed Tax Ordinance.

Proposed Ordinance #885-22 follows Borough Code requirements as it was duly advertised after tentative approval at the November 28, 2022 council meeting.

Motion carried 7-0.

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## CONSIDER ADOPTION OF PROPOSED 2023 OPERATING BUDGET AND CAPITAL IMPROVEMENTS PLAN

A motion was made by Mr. Geis, seconded by Mr. Foyle, to adopt the proposed 2023 operating budget, totaling \$12,174,632, and corresponding Capital Improvements Plan.

A summary of the proposed budget, by Fund, is as follows:

General Fund	\$ 3,810,033
Fire Fund	\$ 88,770
Park Fund	\$ 423,533
Library Fund	\$ 46,378
Water Fund	\$ 2,015,636
Electric Fund	\$ 5,465,282
Highway Aid Fund	\$ 325,000
Total	\$12,174,632

The proposed budget shows a slight increase of approximately 3.22% from the 2022 Budget.

A tax increase of .57 mill is proposed in the Library Tax.

The proposed budget was tentatively approved by Council on November 28, 2022 and duly advertised and open to public inspection according to law. Council must formally adopt the budget prior to December 31, 2022.

Motion carried 7-0.

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## CONSIDER ADOPTION OF ORDINANCE #881-22 THE SAFETY INSPECTIONS FOR ALL COMMERCIAL PROPERTIES LOCATED IN ZELIENOPLE BOROUGH

Administration recommended that Council adopt Ordinance #881-22 for 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.

Minor Modifications:

- Removed the requirement to provide copies of articles of incorporation and any documents showing the name and addresses of the officers, trustees etc. to show ownership
- Changed the titles to "Code Enforcement Officer or Building Inspector" for uniformed consistency

Tabled.

## CONSIDER ADOPTION OF ORDINANCE #882-22 THE SAFETY INSPECTIONS FOR ALL RESIDENTIAL RENTAL PROPERTIES LOCATED IN ZELIENOPLE BOROUGH

Administration recommends that Council adopt Ordinance #882-22 for the safety inspections for all residential rental properties located in 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 who 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.

Final Minor Modifications:

- Removed the requirement to provide copies of articles of incorporation and any documents showing the name and addresses of the officers, trustees etc. to show ownership
- Changed the titles to "Code Enforcement Officer or Building Inspector" for uniformed consistency
- Removed the term "refuse" from section 6 of "Revocation of License"

Tabled.



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## NEW BUSINESS:

CONSIDER ACCEPTANCE OF THE BILLS TO BE PAID FOR THE MONTH OF DECEMBER IN THE AMOUNT OF \$925,810.63

A motion was made by Mr. Geis, seconded by Mrs. Reeb to accept, and approve the "Bills to Be Paid" report for November in the amount of \$925,810.63.

Motion carried 7-0.

CONSIDER REQUEST FROM THE LIONS CLUB FOR ASSISTANCE IN CHRISTMAS TREE PICKUP

A motion was made by Mr. Reeb, seconded by Mr. Foyle, to approve the Lion's Club request for the use of a borough dump truck and a driver for an estimated three (3) hours January 7, 2022 to begin at 9:00 am. As in years past, they are requesting a borough dump truck and a driver for about 3 hours' worth of work.

Motion carried 7-0.

CONSIDER THE CANCELLATION OF THE DECEMBER 26, 2022 (CHRISTMAS HOLIDAY WEEKEND) COUNCIL MEETING

A motion was made by Mr. Geis, seconded by Mr. Mathew, to approve the cancellation of the December 26, 2022 council meeting since it falls after the Christmas holiday weekend.

Historically the council meeting that falls after a Christmas holiday weekend is cancelled.

Motion carried 7-0.

CONSIDER APPROVAL TO GRANT A WAIVER REGARDING THE STAGED SUBMITTAL REQUIREMENT IN THE SUBDIVISION AND LAND DEVELOPMENT CHAPTER OF THE ZELIENOPLE BOROUGH CODE

A motion was made by Mr. Mathew, seconded by Mr. Foyle, to approve to grant an exception and allow for a simultaneous review and/or decision to apply to both the preliminary and final approval, concurrently.

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Zelienople Subdivision and Land Development Ordinance 240-17 states: An applicant may request simultaneous preliminary and final plan approval where no phases are denoted on a plan and where all required application materials are submitted for each.

The Glade Run Development Plan consists of multiple phases.

Motion carried 7-0.

## CONSIDERATION FOR ESTIMATE 12 TO THE CONSTRUCTION CONTRACT FOR THE ZELIENOPLE BOROUGH REVITALIZATION ECONOMIC DEVELOPMENT PHASE 2 – ECMS PROJECT

A motion was made by Mr. Mathew, seconded by Mrs. Reeb, to approve M and B Services LLC ECMS Estimate No. 12 in the amount of \$197,011.70 for the Zelienople Borough Revitalization/Economic Development Phase 2 – ECMS Project.

The work has been completed. The pay request has been approved by PennDOT. The amount will be requested from the DCED grant once paid by the Borough.

Motion carried 7-0.

## CONSIDER MS-4 WAIVER APPLICATION TO PA DEP

A motion was made by Mr. Mathew, seconded by Mrs. Reeb, to authorize the submittal of an application for a waiver of the MS-4 designation for the Borough of Zelienople.

The MS-4 program MS4 is short for, "Municipal Separate Storm Sewer System", where the word "Municipal" refers to a unit of local government like a borough or a township but may also refer to an organization responsible for the administration of a developed area. And the number 4 refers to the four words that start with the letter "S"; "Separate," "Storm," "Sewer," "System."

This program establishes permitting and reporting requirements to identify, track and improve stormwater discharges into local streams and impaired waterways within the municipal jurisdiction.

Since the Borough of Zelienople has a population less than 10,000, and because we feel that the regulations do not apply to us at this time, we are eligible to apply for a renewal of this waiver (we have been granted a waiver in the past) of these regulations for a period of time. There is no guarantee that a renewal of the waiver will be granted. The waiver is effective for five (5) years.

Motion carried 7-0.

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## CONSIDER TASER CONTRACT RENEWAL WITH AXON CORPORATION

A motion was made by Mr. Mathew, seconded by Mr. Geis, to the TASER contract with AXON Corporation to keep the TASER program in operation in the amount of \$7,200 annually starting in January 2023.

AXON has provided a renewal contract for a five-year period, which will start in January of 2023. The new TASERS will have the ability to activate the body cams when turned on. The contract also provides for most maintenance, docking stations, holsters and Evidence.com software license for the department. The department's initial TASER purchase was over 15 years ago.

Motion carried 7-0.

## CONSIDER BODY CAM CONTRACT RENEWAL WITH AXON CORPORATION

A motion was made by Mr. Mathew, seconded by Mr. Foyle, to approve the Body Cam renewal contract with AXON Corporation in order to keep the Body Cam program in operation in the amount of \$6,690.00 annually starting January 2023.

The police department first purchased body cams from AXON in the beginning of 2018 on a 5-year contract. The contract expires in the beginning of 2023 and Axon has sent has a renewal contract that starts in the beginning of 2023. The new contract provides body cams, attachments, software licensing, all support equipment, cloud storage on Evidence.com, equipment upgrades after two and a half years and extended equipment warranties.

Motion carried 7-0.

## OTHER BUSINESS:

### CONSIDER ADVERTISING AND HIRING A COMMUNICATION AND ADMINISTRATIVE SERVICES PERSON

A motion was made by Mr. Geis, seconded by Mrs. Reeb, to authorize to advertise and hire a Communication and Administration Services person at the minimum salary grade level 24 to help in the areas of communications, IT, and administrative services needed resulting from Don's retirement.

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HRC met and determined that with Don Pepe's upcoming retirement, there will be a need for personnel to handle communication and administrative services within the Borough. This would be a hybrid position in which the individual would handle all communication functions as well as provide IT and administrative support. It is important to advertise for this position now so that a new staff person can come aboard to handle borough communications and administrative services immediately upon Don's retirement.

Motion carried 7-0.

## CONSIDER CONTRACT EXTENSION WITH ZELIENOPLE POLICE WAGE AND POLICY UNIT

A motion was made by Mr. Geis, seconded by Mr. Mathew, to approve the contract the proposed contract extension with the Zelienople Police Wage and Policy Unit. The Collective Bargaining Agreement runs from January 1, 2025 through December 31, 2028, with a term of four years.

During the most recent PMC meeting, the topic of extending the current Collective Bargaining with the Zelienople Wage and Policy Unit came up for discussion. The PMC decided to contact Dave Mitchell, our labor attorney, to see what his thoughts might be on extending the current CBA. The PMC did meet with Dave, and it was determined that an extension would be worth considering. Dave Mitchell prepared a CBA Extension Agreement for the PMC to review. The committee did review the extension and presented it to the entire Council during an executive session in November. Council did give the go ahead to pursue the contract extension with the BU. The extension was presented to the BU in mid-November for their consideration. The BU did approve the contract extension and returned signed copies to the Borough Manager on December 5, 2022. The signed copy of the agreement is attached for your review. There will be an executive session prior to the Council meeting on December 12th to review the agreement with David Mitchell.

Motion carried 7-0.



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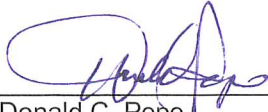
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Being no further business, President Hess closed the meeting at 8:41 PM.

ATTEST:




Donald C. Pepe  
Borough Manager



Mary E. Hess  
Council President

Approved by me this 9th day of January 2023.



Thomas M. Oliverio  
Mayor