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# Minutes of the Borough Council Zelienople, PA

1/30/2023

7:30 PM

Council-Regular

MasterID: 738

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The January 30, 2023, 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, and Mayor Thomas Oliverio. Also in attendance was Junior Council Person Kyra Fazio. Council Member Allen Bayer, Gregg Semel, and Doug Foyle attended remotely.

Also, in attendance were Borough Manager Andrew Spencer, Police Chief James Miller, and Borough Engineer Tom Thompson.

## **PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Andrew Spencer

## **VISITORS:**

In Person: None

Remotely: Melissa Turner and Brian Branby

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## **PUBLIC COMMENT**

None

## **CONSENT AGENDA:**

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

- Minutes of the January 9, 2023, Council Meeting.
- Transfer of Funds, \$150,000.00 from the Electric Fund to the General Fund, if needed.

Motion carried 7-0.

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## **OLD BUSINESS:**

None

## **NEW BUSINESS:**

### **CONSIDER SPECIAL EVENT PERMIT APPLICATION– SENECA VALLEY NORTH ATHLETIC ASSOCIATION (SVNAA) OPENING DAY**

A motion was made by Mrs. Reeb, seconded by Mr. Geis to approve Special Event Permit Application – SVNAA Opening Day to be held on April 22, 2023 from 9:00 AM to 4:00 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.

Motion carried 7-0.

### **CONSIDER SPECIAL EVENT PERMIT APPLICATION – THE GATHERING**

A motion was made by Mrs. Reeb, seconded by Mr. Mathew to approve Special Event Permit Application – The Gathering to be held on Saturday, September 9, 2023 from 8:00 AM to 5:00 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.

Motion carried 7-0.

### **CONSIDER AMERICAN RESCUE PLAN ACT (ARPA) STORMWATER GRANT SUBRECIPIENT AGREEMENT WITH BUTLER COUNTY**

A motion was made by Mr. Mathew, seconded by Mr. Geis to approve the American Rescue Plan Act (ARPA) Subrecipient agreement for the stormwater grant funds that we have been awarded from Butler County totaling \$465,334.70.

As part of the regional stormwater municipal group, the Borough of Zelienople has applied for and received Four (4) grants regarding Stormwater management improvements from the County's ARPA allocation totaling \$465,334.70. These include the following:

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1. Stormwater management for the study of the creation of a Joint Southwestern Butler County Stormwater Authority
2. High Street/Main Street Stormwater Project
3. Main Street Stormwater Project
4. Stream Bank Study, and Connoquenessing Creek Flooding Area Study

There is a requirement for these funds to execute an agreement between the grant recipient and the funding agency, Butler County to ensure that the transfer of funds and the completion of the grant objectives take place.

Motion carried 7-0.

## **CONSIDER SHIPLEY GROUND LEASE AGREEMENT AMENDMENT**

A motion was made by Mrs. Reeb, seconded by Mr. Mathew to approve the Shipley ground lease amendment for the Town Center parking lot project, effective immediately.

When the Borough began the development of the new Town Center parking lot project, it was clear that it needed ground leases with adjoining property owners to allow for use of those properties to build this parking lot. There were five (5) such leases created and approved that outlined the land dimension needed, as well as the terms and conditions.

Recently Mr. Shipley's attorney contacted the Borough indicating that the dimension areas of his lease might be incorrect and asked that it be reviewed. Indeed, the exhibit that was used in the original agreement was a draft that later was corrected but the new lot plan was not part of the original agreement that was executed in September of 2015. This requires an amendment to correct this problem.

The First Amendment to the Shipley Ground lease has been reviewed by the Borough Engineer and the Borough Solicitor for completeness and accuracy.

Motion carried 7-0.

## **CONSIDERATION FOR ACCEPTING THE GANNETT FLEMING ENGINEERING PROPOSAL FOR PERFORMED DESIGN, BIDDING AND CONSTRUCTION PHASE SERVICES ASSOCIATED WITH THE DCNR PARK GRANT**

A motion was made by Mr. Mathew, seconded by Mr. Geis to approve the proposal from Gannett Fleming for the services of design, bidding, and construction phase associated with the Department of Conservation and Natural Resources (DCNR) park grant.

The Borough received a \$50,000 Department of Conservation and Natural Resources (DCNR) grant for amphitheater ADA improvements. As part of the grant offer, \$10,000 of the grant has been

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reserved for engineering services related to the grant. In order to be eligible for the engineering funding, the DCNR requires a formal agreement between Gannett Fleming and the Borough.

Motion carried 7-0.

## **CONSIDER APPROVAL OF LOT CONSOLIDATION RECOMMENDED BY PLANNING COMMISSION FOR FUTURE SITE OF WBCA SEWER AUTHORITY ADMINISTRATION BUILDING**

A motion was made by Mr. Mathew, seconded by Mrs. Reeb to approve the consolidation of lots 824 to 828 and 839 to 843 into Lot #1; and consolidation of lots 829 to 838 and 844 to 853 into Lot #2.

During the January 18, 2023 meeting, The Planning Commission recommended the Western Butler County Authority be granted allowance for the following: Consolidation of lots 824 to 828 and 839 to 843 into Lot #1; and consolidation of lots 829 to 838 and 844 to 853 into Lot #2

Bennett and Hall Construction currently owns the land parcels adjacent to the present WBCA Plant, located at 607 Market Street. The intention is to consolidate the properties for sale and the future development of the WBCA Administration Building.

Motion carried 7-0.

## **HRC PROPOSAL TO SET A PERCENTAGE FOR THE YEARLY MERIT INCREASE POOL FOR 2023**

A motion was made by Mr. Geis, seconded by Mr. Mathew to approve a 2.5% merit increase pool to fund the Non-Uniformed employee merit increase for 2023.

Every year the Human Resources Committee (HRC) makes a recommendation to council to establish the annual Non-Uniformed employee merit increase pool. This percentage usually follows the police collective bargaining amount for the year. In 2023 it is 2.5%. All non-uniformed employees will share in that merit pool based upon their yearly evaluation results.

Motion carried 7-0.

## **POLICE CHIEF PERCENTAGE MERIT INCREASE FOR 2023**

A motion was made by Mr. Geis, seconded by Mr. Mathew to approve a 2.5% merit increase for the Chief of Police James Miller, for 2023.

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Every year the Human Resources Committee (HRC) makes a recommendation to council to establish the percentage rate of increase for the Chief of Police. This percentage follows the police collective bargaining amount for the year. In 2023 it is 2.5%.

Motion carried 7-0.

## **CONSIDER REAPPOINTMENT TO THE LIBRARY BOARD**

A motion was made by Mr. Mathew, seconded by Mr. Geis to reappointing Doug Foyle to the Library Board for the term effective 12/31/2022 to 12/31/2025.

Doug Foyle's term on the Zelienople Library Board expired on December 31, 2022. Mr. Foyle has expressed a desire to seek another three (3) year term. The appointment will be from 12/31/2022 to 12/31/2025.

Motion carried 7-0.

## **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 1/27/2023 this includes any discussion and removal/addition of items from the previous month.

No action vote was taken.

## **REPORTS**

Committees Reports:

### **Mrs. Hess:**

- Human Resources: Requested an executive session for a contractual matter.
- Park & Recreation: no report
- Main St. Revit. Committee: no report

### **Mr. Semel:**

- IT: no report
- Main St. Revit. Committee: no report

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- COG: no report
- Airport Authority: no report

**Mr. Geis:**

- Electric: no report
- Bldg./Finance: no report
- Pension: No report
- Bond refinancing: no report

**Mr. Foyle:**

- Pension Committee: no report
- Library: no report

**Mrs. Reeb:**

- Public Safety/Street/Sidewalk/Storm Water: no report
- Historical Society: Reported that the Historical Society office is closed until March 1<sup>st</sup>
- Shared Services Committee: Noted idea for electric charging stations

**Mr. Mathew:**

- Water: noted major water break during first at Timberbrook; all repaired.
- Police Matters: no report
- Fire Dept. Liaison: no report
- Shared Services: no report

Mayor: Noted Butler County Borough Association is looking for volunteers as he's involved again.

Manager: no report

Solicitor: not present

Engineer: no report

Police Chief: no report

Public Works Director: no report

Zoning/Code Officer: Not present

Finance Director: Not present

Parks and Recreation Director: Not present

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**Time of Break (if needed)** Time: 8:04 PM; Return 8:13 PM

**Executive Session (if needed)** Time: 8:13 PM; Return: 8:49 PM

Being no further business, President Hess closed the meeting at 8:50 PM.

ATTEST:



Andrew C. Spencer  
Borough Manager



Mary E. Hess  
Council President

Approved by me this 13<sup>th</sup> day of February 2023.



Thomas M. Oliverio  
Mayor