

Minutes of the Borough Council Zelienople, PA

8/14/2023 7:30 PM

Council-Regular

MasterID: 751

The August 14, 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 attendants were Council Members Mary Hess, Andrew Mathew III, Marietta Reeb, Gregg Semel, Doug Foyle, Ralph Geis, and Mayor Thomas Oliverio. Junior Councilperson Kyra Fazio was also present. Council Member Allen Bayer did not attend.

Borough Manager Andrew Spencer, Borough Solicitor Bonnie Brimmeier, Police Chief Jim Miller, and Borough Engineer Tom Thompson were also in attendance. Public Works Director Chad Garland attended remotely.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Officer Melanie Dodson.

VISITORS:

In Person: Dan Fritch, Spencer Mathew, and Donna Statzer

Remotely: Mike and Carol Sosak

PUBLIC COMMENT

25 Years of Service Award Presented to Officer Melanie Dodson

Donna Statzer discussed noise complaints during the Thursday night events.

CONSENT AGENDA:

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

- Minutes of the June 26, 2023 Public Hearing
- Minutes of the July 31, 2023 Council Meeting
- Transfer of Funds, \$150,000.00 from the Electric Fund to the General Fund

Motion carried 6-0.

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OLD BUSINESS:

None

NEW BUSINESS:

BILLS TO BE PAID REPORT

A motion was made by Mrs. Reed, seconded by Mr. Geis, to accept the "Bills to be Paid Report" for the month of August 2023 totaling \$800,457.28.

Motion carried 6-0.

CONSIDER AUTHORIZATION TO ADVERTISE PROPOSED ORDINANCE #887-23 TO INCUR LEASE RENTAL INDEBTEDNESS THROUGH GUARANTY AGREEMENT

A motion was made by Mr. Mathew, seconded by Mr. Semel, to authorize advertising Proposed Ordinance #887-23 to incur lease rental indebtedness through Guaranty Agreement and submission of all filings under the Local Government Unit Debt Act.

In working with the Harmony Fire District and the municipalities that receive fire protection services from the district, it was requested of the municipalities by the Fire District to provide financial support through interim financing for the completion of the fire station project. It is anticipated that there will be cash flow needs while waiting on grant funds to be processed and received. It was determined collectively by the municipalities in collaboration with the lender that a debt instrument in the form of a guaranty would be appropriate to assist the Harmony Fire District in the construction costs associated with the new fire station. The Harmony Fire District Fire Station Improvement Note Series of 2023 will be in the Fire District's name, and they will be responsible to pay down the debt service; however, this proposed ordinance provides that the municipalities will act as the guarantors of the debt, and if the Fire District ceased operations or ceased to exist, the municipalities would be liable for the debt service. The Borough's portion is \$562,200 of the \$2,811,100 principal amount, with the other municipalities bearing the burden of the balance.

Motion carried 6-0.

CONSIDER ADOPTION OF PROPOSED RESOLUTION #502-23 TO APPROVE ISSUANCE OF A DEBT OBLIGATION IN ACCORDANCE WITH SECTION 147(F) OF THE INTERNAL REVENUE CODE

A motion was made by Mr. Mathew, seconded by Mrs. Reeb, to adopt Proposed Resolution #502-23 to approve issuance of a debt obligation in accordance with section 147(F) of the Internal Revenue Code.

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For the Harmony Fire District to obtain a borrowing as a tax-exempt borrowing, certain requirements must be followed under the code. A TEFRA hearing was duly advertised and held by Legal Counsel at Dinsmore & Shohl LLP on August 3, 2023 in accordance with requirements of the Internal Revenue Code in relation to the plan of financing for the Harmony Fire District in the undertaking of the construction of a new fire station. In accordance with the Internal Revenue Code, the governmental unit having jurisdiction over the facility in question must approve the note or bond being issued. Resolution #502-23 of the Borough of Zelienople satisfies this requirement.

A full and true copy of Resolution #502-23 can be found in the Resolution Book.



Borough Manager

Motion carried 6-0.

CONSIDER REMOVING THE RESIDENCY REQUIREMENT FOR NON-UNIFORMED EMPLOYEES

A motion was made by Mr. Geis, seconded by Mr. Foyle, to approve removing the residency requirement for non-uniformed Borough employees.

The HRC discussed making changes to the non-uniformed employee policy to remove the fifteen (15) air miles residency requirement for regular full-time employees of the Borough. At their July 31, 2023 meeting, Council approved the removal of the residency clause for uniformed employees through a Memorandum of Understanding with the Zelienople Police Wage and Policy Unit.

Motion carried 6-0.

CONSIDER UPDATED SEXUAL HARASSMENT POLICY FOR NON-UNIFORMED BOROUGH EMPLOYEES

A motion was made by Mr. Foyle, seconded by Mrs. Reeb, to approve the updated Sexual Harassment Policy for non-uniformed Borough employees.

The HRC and staff requested making a change to the non-uniformed employee sexual harassment policy to require any incident of sexual harassment to be reported to the manager's office in writing by completing a complaint form for reporting a sexual harassment incident.

Motion carried 6-0.

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CONSIDER RE-APPROVAL OF LAND DEVELOPMENT AND LOT CONSOLIDATION FOR THE FUTURE SITE OF FIRE DEPARTMENT STATION

A motion was made by Mr. Mathew, seconded by Mr. Semel, to re-approve the land development and lot consolidation for the future site of Harmony-Zelienople Fire Station.

Applicant is required to record Land Development Plans to Butler County within 90 days of receiving Borough Council Approval. Borough Council Approval was granted on August 29, 2022. Applicant requested re-approval for the land development and lot consolidation located at 424 Main Street, the future site of Harmony Zelienople Fire Station. The Planning Commission reviewed the revised Land Development plans and made the Recommendations to Council.

Motion carried 6-0.

CONSIDER APPROVAL FOR AN ADDITIONAL 60 DAY EXTENSION OF THE REVIEW PERIOD FOR THE WBCA ADMINISTRATION BUILDING PRELIMINARY LAND DEVELOPMENT APPLICATION

A motion was made by Mr. Semel, seconded by Mr. Geis, to approve an additionally 60-day extension of the review period for the WBCA Administration Building Preliminary Land Development Application.

The Borough is given a 90-day time period to review the Preliminary Land Development Application. A 60-day extension was granted on June 20, 2023 and expires August 28, 2023. An additional 60-day extension was needed for review of the Preliminary Land Development.

Motion carried 6-0.

CONSIDER APPROVAL OF THE ADMINISTRATIVE SUBDIVISION LOT CONSOLIDATION PLAN FOR PROPERTIES LOCATED AT 402, 408 AND 412 SOUTH MAIN STREET

A motion was made by Mr. Mathew, seconded by Mrs. Reeb, to approve the administrative subdivision lot consolidation plan for properties located at 402, 408, and 412 South Main Street, contingent on Butler County Planning Commission approval and any corrections noted from the Borough Engineer.

The applicant requested approval for Administrative Subdivision Lot Consolidation, for properties located at 402, 408, 412 South Main Street. This is contingent upon obtaining approval from the Butler County Planning Commission and any corrections noted from the Borough Engineer. The properties are currently owned by Harmony PA Associates.

Motion carried 6-0.

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OTHER BUSINESS:

Solicitor Bonnie Brimmeier noted the need of an executive session for possible litigation.

Time of Break (if needed) Time: 8:02 PM; Return 8:11 PM

Executive Session (if needed) Time: 8:11 PM; Return: 8:34 PM

Being no further business, President Hess closed the meeting at 8:34 PM.

ATTEST:

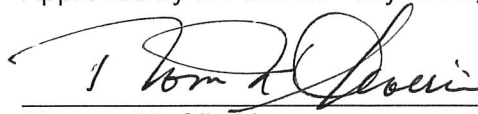


Andrew C. Spencer
Borough Manager



Mary E. Hess
Council President

Approved by me this 28th day of August 2023.



Thomas M. Oliverio
Mayor