

Minutes of the Borough Council Zelienople, PA

7/29/2024

6:30 PM

Public Hearing

MasterID: 774

The July 29, 2024, Public Hearing of the Zelienople Borough Council was called to order at 6:30 PM, as advertised, by Council President Mary Hess in the Council Chambers located at 111 W New Castle St., Zelienople, PA 16063 and was handed over to Mrs. Bonnie Brimmeier, Legal Counsel, to conduct the hearing. 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. The purpose of the hearing is to receive public comment on the proposed creation of a stormwater authority. In-person attendants were Council Members Mary Hess, Andrew Mathew III, Doug Foyle, Steve Schoppe, Spencer Mathew, Dan Fritch, Gregg Semel, and Mayor Thomas Oliverio. Junior Council Member Kyra Fazio did not attend.

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

VISITORS:

Darla Hembree, Allen Mellenthin, Cindy Mellenthin, Kimberly Boyd, Jerry and Jan Maharg, Mike and Carol Sosak, Randy Hart, Kara Peters, Brendan, Marsha Grabowski, Chrisine Patton, Jeff Peters, Kristen Hogan, Adel Fatur, Rachel Felt, and Chris Solliday

Others were in attendance, but they did not identify themselves.

The following pages are a transcript of this public hearing and are hereby incorporated as the official minutes of the proceeding.

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BOROUGH OF ZELIENOPLE
BUTLER COUNTY, PENNSYLVANIA

IN RE: :
PROPOSED CREATION OF A :
STORMWATER AUTHORITY :

PROCEEDINGS
(Public Hearing)

Held Before
Zelienople Borough Council:

Mary Hess
Andrew Mathew, III
Douglas Foyle
Stephen Schoppe
Spencer Mathew
Daniel Fritch
Gregg Semel
Kyra Fazio

Zelienople Municipal Building
111 W. New Castle Street
Zelienople, PA 16063

July 29, 2024
6:30 p.m.

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Cheryl B. Eckstein
Official Court Reporter
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APPEARANCES:

Solicitor: Bonnie Brimmeier, Esq.

Also Present:

(For Borough of Zelienople:)
Mayor Thomas Oliverio
Andrew Spencer, Manager
Tom Thompson, Engineer
Jim Miller, Chief of Police

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P R O C E E D I N G S

July 29, 2024
Borough of Zelienople
Zelienople Municipal Building
Zelienople, Pennsylvania
6:30 p.m.

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COUNCIL PRESIDENT HESS: All right. It's 6:30. Typically at a hearing we don't do this, but I am going to ask everybody to stand for the Pledge of Allegiance.

(Pledge of Allegiance.)

COUNCIL PRESIDENT HESS: This is a public hearing. Your comments will be recorded by a court reporter. I'm going to turn the meeting over to our solicitor, Bonnie Brimmeier, and she will be running the meeting. And she will be giving you direction on how we will proceed.

ATTORNEY BRIMMEIER: Good evening, everyone. My name is Bonnie Brimmeier. If you're having trouble hearing anybody, please let us know.

As Mary has said, this will be for the Zelienople residents only for multiple reasons. We have a time constraint and there have been hearings for the other municipality residents in their own community. So, we want to hear from the Borough residents tonight.

1 If you come up to speak, please state your name
2 and address. We would ask while we're happy to hear
3 from anyone who wants to speak from a resident
4 standpoint, but if we're repeating the same things, just
5 in the interest of time, if we could just say I agree
6 with what's been said or something to that effect.

7 Most importantly, we want to be respectful.
8 Council will respectfully listen to you and we would
9 like you to be respectful to them.

10 With that being said, we'll try to limit people to
11 three minutes unless, you know, there's something really
12 pressing, but we would like to so that everybody has a
13 chance to talk because we do have a council meeting at
14 7:30.

15 Do we have a sign-up sheet?

16 COUNCIL PRESIDENT HESS: We do.

17 ATTORNEY BRIMMEIER: The first person who
18 signed up is Jerry Maharg. And it says you're from 143
19 Oakdale Drive, Zelenople.

20 JERRY MAHARG: That's correct. My name is
21 Jerry Maharg. I'm at 143 Oakdale Drive, Zelenople.
22 And I'm speaking today to express concern regarding the
23 new Southwest Butler Stormwater Authority. These are
24 just a few concerns and questions regarding formation
25 and regulation.

1 As I understand it, each municipality appoints a
2 representative to serve a one year term and together
3 elect one at-large member. Who determines which
4 municipality provides the at-large member?

5 COUNCIL PRESIDENT HESS: So, Jerry, just for
6 your information, and I don't know if we shared this at
7 the beginning, this is a hearing where you give your
8 comments. We are not to respond at the hearing.

9 JERRY MAHARG: Okay.

10 COUNCIL PRESIDENT HESS: But you asked the
11 question and we will make sure you get the answer.

12 JERRY MAHARG: Okay. Very good. Thanks.
13 So, the next question is, does the at-large member have
14 voting privileges in determining which projects take
15 precedence over others? And is it required that
16 potential board members have some certification,
17 education, and/or experience in stormwater treatment?
18 Will the board members have the authority to negotiate
19 loans to finance projects? What is the maximum amount
20 the authority can borrow and who approves the method of
21 repayment? Thank you.

22 COUNCIL PRESIDENT HESS: Jerry, if you have
23 those written, would it be possible that those are
24 e-mailed to the Borough as well?

25 JERRY MAHARG: I can do that, yep.

1 COUNCIL PRESIDENT HESS: Thank you.

2 ATTORNEY BRIMMEIER: Thank you. Jan Maharg.
3 It says you're also at 143 Oakdale Drive.

4 JAN MAHARG: I live with the handsome one.
5 He's my other half. He's the better half actually.

6 My concern on this stormwater is the taxes. I'm
7 Jan Maharg, 143 Oakdale Drive, Zelienople, 16063.
8 Regarding the taxes, who does collect the taxes? And
9 what are the actual fee for the taxes? What will it be?
10 How big will this be? How small will this be? Is there
11 an annual tax assessment? And if so, is there a limit
12 to the amount of annual tax increase? Is this going to
13 build up as the time goes on? And who provides
14 financial oversight on this authority?

15 I have a hard time with a stormwater fee or taxes
16 because I feel that there should be a moratorium on
17 building until we get this water straightened out. And
18 I know there's all kinds of stuff written about that,
19 but I think the wrong people are paying for the water
20 problem. And I don't think the residents should be
21 burdened with it as much as it is. I think there should
22 be an accountability to the builders and the amount of
23 drainage Zelienople gets. Thank you.

24 ATTORNEY BRIMMEIER: And if we can do the
25 same with your questions, if you have them written.

1 JAN MAHARG: Yes.

2 ATTORNEY BRIMMEIER: Thank you. Sarah
3 Elliott. 204 1/2 Pennsylvania Avenue, Zelienople.

4 SARAH ELLIOTT: Hello. My name is Sarah
5 Elliott. And yes, I'm at 204 1/2 Pennsylvania Avenue.
6 Hi, counsel members and public. I'm new to Zelienople,
7 so I'll be the first to admit I am on a bigger learning
8 curve than everyone else. So, I have not read every
9 line of every proposal and of every statute yet, but
10 it's a passion of mine.

11 And so, I just wanted to comment that I certainly
12 think that hearing people so far speak to, you know,
13 taxes, whether it's a one time rate, whether it's a fee
14 for the year, what I did read was a very nominal fee, a
15 very small fee for most people. But, I certainly think
16 that, you know, sharing the love, so to speak, with the
17 amount of money that is across the board that can be
18 raised, whether it's through funding opportunities,
19 grant funding opportunities, which it sounds like that
20 was exhausted and that's where we are today. But I
21 certainly think that looking at different fees that
22 aren't going to be, you know.

23 I personally support a fee structure and I
24 personally wouldn't mind a tax raise if it meant that
25 the stormwater is taken care of properly because the

1 amount of damage that we've already sustained since
2 moving here. We were part of that fun springtime
3 drenching, which is only going to continue to increase.

4 So, I certainly think that I probably am in the
5 minority here. I certainly support the authority, but I
6 encourage everybody to look at alternate funding sources
7 so that, yes, the public is not taxed and/or put out of
8 their homes but certainly willing to pay into what could
9 potentially be something that is shared across the
10 community for the greater good of the community. I
11 certainly echo that anybody who is doing any kind of
12 building or development should potentially have to carry
13 a heavier load than just the folks that live here
14 because they do pay into public utilities.

15 So, that's my comment for now and I look forward
16 to joining you guys in the future. Thank you.

17 UNIDENTIFIED SPEAKER: I'm sorry. Your
18 microphone is overmodulated. We can't understand what
19 she said. It sounds like a drive-thru at McDonald's.

20 COUNCIL PRESIDENT HESS: We'll take care of
21 it. Thank you.

22 (Microphone adjusted.)

23 ATTORNEY BRIMMEIER: John Beighey. 191 Front
24 Street. I'm assuming that's Zelienople.

25 JOHN BEIGHEY: First of all, decide if I have

1 the privilege of speaking. I am a property owner in
2 Zelienople. I'm representing BNZ Materials, an employer
3 along the creek. I have to find out if I'm eligible to
4 speak. I'm a property owner in Zelienople, but I'm here
5 principally representing BNZ Materials, a factory along
6 the creek at the west end of the town. So --

7 COUNCIL PRESIDENT HESS: Are you an owner of
8 BNZ Materials?

9 JOHN BEIGHEY: I am not, but I do own
10 property in Zelienople. Two different properties. I
11 just happen to live in upper Harmony. So, shall I speak
12 or not?

13 COUNCIL PRESIDENT HESS: Will you be impacted
14 by this stormwater fee and will you have to pay a fee if
15 the stormwater authority is formed --

16 JOHN BEIGHEY: Yes. Personally and --

17 COUNCIL PRESIDENT HESS: -- in this
18 community?

19 JOHN BEIGHEY: -- my employer will.

20 COUNCIL PRESIDENT HESS: From Zelienople?

21 JOHN BEIGHEY: Yes.

22 COUNCIL PRESIDENT HESS: Okay.

23 JOHN BEIGHEY: Yes.

24 ATTORNEY BRIMMEIER: Then yes, that's fine.

25 JOHN BEIGHEY: All right. All right. I'm

1 here principally speaking on behalf of my employer. We
2 are probably at the lowest elevation level within the
3 Borough. So, each event that gets above 14 feet at the
4 Army Corps of Engineers watering station down by
5 Riverside High School impacts our factory here. We are
6 a quiet impact. And two or three times a year, water
7 comes into the factory and then we deal with it.

8 We have 200,000 acres -- yeah, I wish. 200,000
9 square feet under roof and about 20 acres. I'm
10 concerned that the fee structure is undefined at this
11 point, to the best of my knowledge. I have an
12 assumption that we will be impacted heavily being we're
13 probably the third largest facility within the Borough.
14 And yet we are likely one of the most impacted of all of
15 the residents and facilities within the Borough.

16 I am also concerned that based on input at other
17 public or other Borough's Q and A's that projects have
18 not been well defined going into establishing the
19 authority. I have a sense that that's to be determined
20 after the fact. And yet here I am as representing this
21 employer as potentially having a very heavy financial
22 impact with very little prospect of benefit.

23 And so, I would leave it with you all to take it
24 under advisement to define what can be done and then
25 charge this authority with it rather than tossing it to

1 them and then I will be paying a high fee and getting
2 flooded three times a year going forward. So, I don't
3 think it's a big ask for you to pause and spend some
4 time maybe commissioning a study of what is possible.
5 And then -- and then take your action later after you've
6 considered that.

7 ATTORNEY BRIMMEIER: Thank you very much.

8 JOHN BEIGHEY: Thank you.

9 ATTORNEY BRIMMEIER: Okay. Whoever this next
10 person is must be a doctor because I can't read your
11 name. Andrew is guessing perhaps a Dale, something
12 Court that begins with a B.

13 MR. SPENCER: Dale, is that you?

14 DALE BENEDUM: I'm Dr. Dale. Dale Benedum.
15 2 Brookview Court, Zelenople. Is that what it says?
16 Okay.

17 Just a quick history. When we got that five
18 inches of rain a couple of years ago, we had like eight
19 inches in our basement and we're not anywhere near a
20 flood plain and we just kind of ate it. And remember
21 the bridge by the old on 68 west of town right there by
22 the old fire station, that almost went out because
23 debris gathered behind it.

24 And to this day, nothing's ever been done with
25 Glade Run. Nobody ever come up the creek. Nobody ever

1 did nothing. People looked downtown and coming in from
2 like the park and cleaned out the stuff, but nobody does
3 anything there.

4 I personally clean the storm sewers beside my
5 garage at the corner of -- right beside Mike's
6 Collision. I don't even know the name of the street. I
7 literally take my tractor, yank the grate, take a post
8 hole digger, clean out the storm sewers because a couple
9 years ago, they were literally that far from being
10 totally filled into the pipe. And that pipe runs the
11 whole way to the creek.

12 And I kind of chuckle sometimes because people
13 kind of clean up the grate, but they never pick out the
14 grate and clean out the storm sewer. So, I actually
15 like the grate semi covered because it filters the heavy
16 stuff from going in. But the more that people clean it,
17 I do it.

18 But regardless, what concerns me is what I don't
19 hear is that we're just going to collect money and
20 basically take -- I mean, these homes are already
21 priced -- if you look at the tax rolls and look at
22 comparable properties not in the flood plain, they're
23 priced accordingly for being in a flood plain. People
24 don't pay as much. They don't suffer as much. You
25 don't buy them as much. You aren't taxed as high.

1 That's already one benefit.

2 If there's going to be a flood plain and you
3 collect money, buy the houses and tear them down like
4 they did over in Harmony, like they did over by
5 Hartman's Resort. Whoever did that. That's the only
6 permanent solution. And if it's a warehouse that has a
7 lot of space, you can elevate offices. You can, you
8 know.

9 There are -- I don't know what they sell. But you
10 have to make a decision, do we want to be here and if
11 you do, is it cost effective to waterproof it? But you
12 can't just -- there are just places you really can't
13 deal with and spend the money to correct. That area is
14 always flooded.

15 I mean, my house never got flooded, but when we
16 got that five inches of water, it come down whatever
17 street in Timberbrook, jumped over the curb, went
18 between two houses, and hit my garage broadside, went
19 underneath my garage, went around my house on both
20 sides, and flooded my basement. I didn't come screaming
21 to anybody and say, hey, quick, I got flooded. Yes, I
22 got flooded. It wasn't insured. I don't have flood
23 insurance, don't qualify for flood insurance.

24 And you just -- there's sometimes you can't deal
25 with it. There's just nothing you can really do. But

1 that's what I would really encourage if you want to stop
2 the problem, deal with the properties in a proactive
3 manner so the problem disappears.

4 ATTORNEY BRIMMEIER: Okay. Thank you very
5 much. Marsha Grabowski.

6 MARSHA GRABOWSKI: Hi. I'm Marsha. I live
7 at 137 Oakdale Drive. And just, you know, a lot of
8 questions again and maybe reiterating some of them, but
9 are there shovel ready projects? You know. There have
10 been studies done in the past. What have those studies
11 suggested? Have those things been tried? And were they
12 successful or not successful? Is that why you're, you
13 know, thinking, even considering this new group, new
14 committee, to try to solve the problems because you've
15 been trying to solve the problems for years and it just
16 keeps getting worse? You know.

17 If there is a list of projects, you know, where
18 did that list come from? And who's going to prioritize
19 those projects? Is reducing the major flooding in the
20 town, is that the top priority with this committee
21 that's being considered? And is there replacing
22 infrastructure piping? Is that any major consideration
23 with the plans?

24 And, you know, again, you know, where's the
25 funding coming from? Has Butler County offered any

1 funding for it? You know. Has any funding been sought
2 yet or does all these things have to happen before --
3 after the committee is formed?

4 And also all the cost, you know, to spread the
5 cost among people that aren't contributing to the
6 problem. And I just -- we all know who -- why. The
7 major problem is all the development that has happened
8 in and around us. And, you know, that's -- I don't
9 know. There's got to be a way that that has to be
10 addressed. That's all.

11 ATTORNEY BRIMMEIER: Thank you. Those are
12 all the people that have signed up. Is there anyone
13 else? Any residents?

14 Would you come up to the microphone and state your
15 name and address please.

16 COUNCIL PRESIDENT HESS: Before the next
17 person comes, please come up. I would like everyone to
18 know that we do have information on our website right
19 now concerning projects that were funded. I'm not going
20 to address anything directly, but the county did fund
21 more than seven million, almost eight million dollars in
22 projects, stormwater projects, prior to any of this.
23 And we were the recipients as were all the communities
24 in that that are contracting, joining this authority.
25 And I would recommend that everyone look at everyone's

1 websites and read that information. I apologize.

2 CINDY MELLENTHIN: No, that's okay. I have
3 no problem with that. My name is Cindy Mellenthin. I
4 live at 133 Oakdale Drive here in Zelig.

5 First off, I want to say, according to the
6 Articles of Incorporation, people, business owners,
7 churches, and non-profits can be taxed by an unelected
8 appointee with no qualifications required. No limits
9 are set on the tax rate right now, that we know of. No
10 limits are set on the spending. No clear explanation of
11 distribution of funds. No limits are placed on the
12 borrowing. Little financial visibility or oversight is
13 provided.

14 Other municipalities can use Zeligople's streets,
15 roads, alleys, and easements for any purpose they can
16 think of. We can't wait until the bylaws are written to
17 learn the answer to these questions. The problem is not
18 getting the stormwater out of Zeligople. The problem
19 is keeping stormwater out of Zeligople. That's keeping
20 it. Not get it out, but keeping it out. That is a
21 county problem. We can't afford to fix it.

22 There are dozens of reasons to not pass this
23 resolution. That's all I have to say at this point.

24 Thank you very much.

25 ATTORNEY BRIMMEIER: Thank you. Okay. Let

1 the record reflect there is no one else that wants to
2 speak, so we'll close the hearing. Thank you.

3 COUNCIL PRESIDENT HESS: Closing the hearing
4 at 6:53.

5 (At 6:53 p.m., the proceedings were
6 concluded.)

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C E R T I F I C A T E

I, Cheryl B. Eckstein, do hereby certify that I took the foregoing proceedings in stenotype at the time and place hereinbefore set forth and thereafter reduced the same to typewritten form, and that the foregoing is a true, full, and correct transcript of my said stenotype notes.

Cheryl B. Eckstein

Cheryl B. Eckstein
Official Court Reporter

Minutes of the Borough Council
Zelienople, PA

7/29/2024

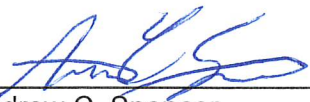
6:30 PM

Public Hearing


MasterID: 774

Being no further business, President Hess closed the meeting at 6:53 PM.

ATTEST:

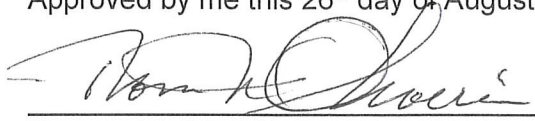


Andrew C. Spencer
Borough Manager



Mary E. Hess
Council President

Approved by me this 26th day of August 2024.



Thomas M. Oliverio
Mayor