

# Minutes of the Borough Council Zelienople, PA

6/10/2024

7:30 PM

Council-Regular

MasterID: 771

The June 10, 2024, Council Meeting of the Zelienople Borough Council was called to order at 7:33 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 WebEx technology 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, Doug Foyle, Steve Schoppe, Dan Fritch, and Gregg Semel. Spencer Mathew and Mayor Thomas Oliverio were not present.

Borough Manager Andrew Spencer, Police Chief James Miller, Zoning & Code Officer Jason Sarver, Borough Solicitor Bonnie Brimmeier, and Borough Engineer Tom Thompson were also in attendance.

## PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Boy Scout Troop 457

## VISITORS:

In Person: Mark Matusiak/Boy Scout Troop 457

Remote: None

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## PUBLIC COMMENT

Ben Levenger presented an update on the Comprehensive Plan.

## CONSENT AGENDA:

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

- Minutes of October 30, 2023 Public Hearing
- Minutes of May 13, 2024 Council Meeting
- Transfer of Funds, \$150,000.00 from the Electric Fund to the General Fund, if needed.

Motion carried 6-0.

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## **OLD BUSINESS:**

None

## **NEW BUSINESS:**

### **BILLS TO BE PAID**

A motion was made by Mr. Mathew, seconded by Mr. Fritch, to accept the "bills to be paid report" for June 10, 2024 totaling \$530,872.14.

Motion carried 6-0.

### **CONSIDER SPECIAL EVENT PERMIT APPLICATION– BOY SCOUT TROOP 457 ANNUAL BBQ CHICKEN DINNER FUNDRAISER**

A motion was made by Mr. Mathew, seconded by Mr. Fritch, to approve the Special Event Permit Application – Boy Scout Troop 457 Annual BBQ Chicken Dinner Fundraiser to be held on September 14, 2024 from 7:00 am to 6:00 pm at the SE Corner of Four Corner 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 and with the following conditions:

- Add the Borough as an additional insured.
- Borough will provide potable water to the connection at the Lion fountain at no charge.
- Signage cannot block views of traffic on the adjacent roadways.
- Be responsive to complaints on noise.
- Must supply their own trash receptacles for the event and ensure that the area is cleaned of any trash and debris when the event is completed.
- Contact Public Works Director before a tent or shelter is erected so that we can ensure the grass is cut for the event.

Motion carried 6-0.

### **CONSIDER SPECIAL EVENT PERMIT APPLICATION– ARMSTRONG A WALK FOR HUNGER FUNDRAISER**

A motion was made by Mr. Schoppe, seconded by Mr. Mathew, to approve the Special Event Permit Application – Armstrong A Walk for Hunger Fundraiser to be held on September 15, 2024 from 8:00 am to 12:00 pm through the Zelienople Community Park and up Beaver Street provided that the responsible party noted in the application coordinate communications with and be responsive to the

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Park Manager 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 and with the following conditions:

- It is their responsibility to coordinate the event with the Borough Park Manager and all Emergency Services for safety concerns, no later than Monday prior to the event.
- Must ensure that the area is cleaned of any trash and debris when the event is completed.
- Responsible party is liable for the return of any Borough owned cones, barricades, signs, etc. and must sign a release form for the use of such borough owned property.
- Any signs must be small and not block views of traffic on any intersections. The sponsor must gain permission from all property owners to place these signs. They must also be removed as soon as the race is completed.
- They ensure that the area is cleaned of any trash and debris when the event is completed.
- Streets are not to be marked with paint of any kind.
- A Certificate of Insurance must be provided indicating the Borough of Zelienople as an additional insured and provided at least a week in advance of the event.
- This is not a Borough sponsored event.

Motion carried 6-0.

## **CONSIDER SPECIAL EVENT PERMIT APPLICATION– SENIOR PROJECT 5K (KIRCHNER)**

A motion was made by Mr. Foyle, seconded by Mr. Semel, to approve the Special Event Permit Application – Senior Project 5K (Kirchner) to be held on September 2, 2024 from 9:00 am to 11:00 am at the Zelienople Community Park provided that the responsible party noted in the application coordinate communications with and be responsive to the Park Manager 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 and with the following conditions:

- It is their responsibility to coordinate the event with the Borough Park Manager and all Emergency Services for safety concerns, no later than Monday prior to the event.
- Must ensure that the area is cleaned of any trash and debris when the event is completed.
- Responsible party is liable for the return of any Borough owned cones, barricades, signs, etc. and must sign a release form for the use of such borough owned property.
- Any signs must be small and not block views of traffic on any intersections. The sponsor must gain permission from all property owners to place these signs. They must also be removed as soon as the race is completed.



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- They ensure that the area is cleaned of any trash and debris when the event is completed.
- Streets are not to be marked with paint of any kind.
- A Certificate of Insurance must be provided indicating the Borough of Zelienople as an additional insured and provided at least a week in advance of the event.
- This is not a Borough sponsored event.

Motion carried 6-0.

## **CONSIDER SPECIAL EVENT PERMIT APPLICATION– SENIOR PROJECT 5K (WIESNER)**

A motion was made by Mr. Schoppe, seconded by Mr. Semel, to approve the Special Event Permit Application – Senior Project 5K (Wiesner) to be held on July 28, 2024 from 8:00 am to 10:00 am at the Zelienople Community Park provided that the responsible party noted in the application coordinate communications with and be responsive to the Park Manager 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 and with the following conditions:

- It is their responsibility to coordinate the event with the Borough Park Manager and all Emergency Services for safety concerns, no later than Monday prior to the event.
- Must ensure that the area is cleaned of any trash and debris when the event is completed.
- Responsible party is liable for the return of any Borough owned cones, barricades, signs, etc. and must sign a release form for the use of such borough owned property.
- Any signs must be small and not block views of traffic on any intersections. The sponsor must gain permission from all property owners to place these signs. They must also be removed as soon as the race is completed.
- They ensure that the area is cleaned of any trash and debris when the event is completed.
- Streets are not to be marked with paint of any kind.
- A Certificate of Insurance must be provided indicating the Borough of Zelienople as an additional insured and provided at least a week in advance of the event.
- This is not a Borough sponsored event.

Motion carried 6-0.

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## **CONSIDER AUTHORIZATION TO ADVERTISE PROPOSED ORDINANCE 891-24, AN ORDINANCE ADOPTING RULES GOVERNING COGENERATION AND SMALL POWER PRODUCTION FACILITIES OPERATING IN THE BOROUGH**

A motion was made by Mr. Mathew, seconded by Mr. Schoppe, to authorize advertising Ordinance 891-24, an ordinance adopting rules governing cogeneration and small power production facilities operating in the Borough.

In 2023, the Pennsylvania Municipal Electric Association (PMEA) began investigating the impacts of the Public Utility Regulatory Policies Act of 1978 (PURPA) due to the development of facilities occurring in other municipal electric company jurisdictions in Pennsylvania as well as discussing the best option to protect Pennsylvania municipal electric because of the unique nature of our electric purchase contracts. Proposed Ordinance 891-24 was prepared by the legal counsel of PMEA to establish rules governing cogeneration and small power production facilities should any choose to operate in the Borough and to establish avoided cost rates per the Public Utility Regulatory Act of 1978. While municipal owned electric utilities are not subject to state utility regulatory agencies they are subject to PURPA under the Federal Energy Regulatory Commission, which is what prompted the research and preparation of this ordinance. The ordinance provides that Council will set the avoided cost rates per resolution based on FERC standards. The Utilities Committee of Council took up the discussion on this in 2023 in order to track any developments that may occur with other PMEA members.

Motion carried: 6-0.

## **CONSIDER APPROVAL OF THE UPDATED ZELIENOPLE BOROUGH CIVIL SERVICE RULES AND REGULATIONS**

A motion was made by Mr. Mathew, seconded by Mr. Semel, to approve the updated Zelienople Borough Civil Service Rules and Regulations due to recent changes in the Collective Bargaining agreement and ordinance changes.

The first change in the Civil Service Rules and Regulations is to eliminate the residency requirement as by the Collective Bargaining agreement. The second change is the addition of the rank of Lieutenant to the promotional testing process. The rank of Lieutenant was established by council on May 6, 2024. The Zelienople Civil Service Commission approved the new rule changes on May 30, 2024. In accordance with the Borough Code and Civil Service Regulations, Borough Council must also approve the changes to the changes to the Civil Service Rules and Regulations. The PMC has reviewed the proposed changes to the Civil Service regulation.

Motion carried: 6-0.

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## **CONSIDER REQUESTING THE CIVIL SERVICE COMMISSION PROVIDE COUNCIL WITH A CERTIFIED ELIGIBILITY LIST FOR PROMOTION TO THE RANK OF LIEUTENANT WITHIN THE ZELIENOPLE POLICE DEPARTMENT**

A motion was made by Mr. Mathew, seconded by Mr. Schoppe, requesting the Civil Service Commission provide a Certified Eligibility List for the rank of Lieutenant prior to June 19, 2024.

During the most recent PMC meeting, the subjects of rank structure and future staffing needs of the police department were discussed. As part of the discussion, it was suggested that a Lieutenant position be established within the police department. This position would act as a second in command of the department. The person would gain some administrative experience and possibly take over as Chief when the current Chief of Police retires. A job description and qualifications for the Lieutenant position were also part of the discussion. In order for this change to be made the Borough of Zelienople Code of Ordinances must be amended by ordinance. Council has approved the required ordinance to establish the rank of Lieutenant within the Zelienople Police Department.

Motion carried: 6-0.

## **OTHER BUSINESS:**

- Note multimodal grant reimbursement received from DCED in the amount of \$900,000.

Being no further business, President Hess closed the meeting at 8:32 PM.

ATTEST:



Andrew C. Spencer  
Borough Manager



Mary E. Hess  
Council President

Approved by me this 24<sup>th</sup> day of June 2024.



Thomas M. Oliverio  
Mayor