

Borough of New Stanton
Borough Council
October 3, 2017
Minutes of Meeting

Attendance

Council members: Todd Bartlow, Dean Clark, Brandon Clawson, Linda Echard, Scott Sistek, Tom Smith, and Tom Theis. Others: Borough Engineer Emil Bove, Borough Solicitor John Campfield and, Borough Manager Jeffrey McLaughlin.

Executive Session

Tom S. made a motion to go into Executive Session at 6 PM.

Dean made a motion to come out of Executive Session at 7:04 PM.

Call to Order

President Scott Sistek called the regular council meeting to order at 7:06 PM.

Invocation

Linda recited a prayer.

Pledge of Allegiance

The Pledge was recited.

Approval of Bills

Tom S. expressed concern about the possible double-listing of some utility bills from First Energy/West Penn Power. He felt that some of these bills were approved at a previous meeting.

Tom S. made a motion seconded by Linda, approving the bills in the amount of \$61,121.33 pending review of the First Energy/West Penn Power bills. Motion passed unanimously.

Approval of Minutes

Linda made a motion seconded by Dean approving the minutes of the September 5, 2017 regular council meeting. Motion passed with all voting in favor with the exception of Brandon and Todd who abstained.

Opportunity for Public Comment – Items not on the Agenda

Scott asked if there was any public comment on items not on the agenda:

Melvin Steele, 207 E. Pennsylvania Avenue

Melvin Steele expressed concern about the wire fence installed at the back of his property by PennDOT as part of the I-70 project. He felt that it is not adequate protection for his property or

Crystal Foschia's property, who lives and has her business next door to him. He also stated that the fence would not prevent vehicles that lost control in Ms. Foschia's parking lot or on Pennsylvania Avenue from driving down the hill onto I-70. He stated that he approached PA State Rep. Eric Nelson who stated that the first step would be to appeal to the borough. Mr. Steele asked that the borough request that PennDOT install, at a minimum, a cyclone fence. He also mentioned that PennDOT removed Ms. Foschia's privacy fence and promised to replace it.

Brandon made a motion seconded by Tom T. authorizing that a letter be written to PennDOT, on behalf of the effected residents, advocating that a cyclone fence be installed at the edge of the PennDOT right-of-way. Motion passed unanimously.

Crystal Foschia, 211 E. Pennsylvania Avenue

Crystal Foschia stated that she wants a cyclone fence, her privacy fence and a guard rail installed. She stated that the situation is horrifying where her property abuts I-70. She stated that children live on the street. She stated that she is afraid that one of the dogs being brought to her business may run away from its owner and onto the highway. She also mentioned that Fay never reinstalled her sign after accidentally knocking it down on November 2nd. She also mentioned that the HTMA/MAWC installed gravel in her parking lot but never leveled it and it is very rutted.

Rose Foschia, 1519 Elm St.

Rose Foschia stated that her daughter has been through a lot with the road project. She stated that they are not in a position to install their own fence. She asked that the Borough Engineer review the situation. She stated that they are going to have another survey done to determine their property line. She also mentioned a sewer easement that was recently created through her yard. She mentioned that people are avoiding New Stanton because of the road project. She asked that the borough intercede.

Art Cicero, Woodmere Dr.

Art Cicero asked that the borough should look into making the intersection with Center Avenue at Byers Avenue a four-way stop. He stated that it is very difficult to get out of Byers Avenue with the traffic on Center Avenue.

Melvin Steele, 207 E. Pennsylvania Avenue

Mr. Steele thanked the borough for putting up the *No Tractor Trailer* signs at the side roads off of Center Avenue during the bridge construction.

Rose Foschia, 1519 Elm St.

Ms. Foschia asked who should be contacted about her daughter's parking lot. Scott said the HTMA/MAWC.

Council Additions to Agenda

Scott asked for council additions to the agenda. Linda asked that a discussion on the Pennsylvania Correctional Industries be added. Scott said that would be Item 8.

Scott reported that there was an Executive Session earlier, from 6 PM until 7:04 PM, for matters of personnel, litigation, and real estate.

Todd asked that a discussion on the construction of a brick oven at the CWCTC be added. Scott said that would be item 9.

Opportunity for Public Comment -- on Agenda Items Only

There was no public comment on agenda items.

Agenda

1. Bid Opening – Chanticleer Storm Drain Project

Scott opened the bids for the Chanticleer Storm Drain Project:

Bidder	Bid Bond	PWEV Form*	Non-Collusion Affidavit	Bid
RJF Development Corp.	Yes	Yes	Yes	\$61,985.00
Nagy Const. & Asphalt Paving	Yes	Yes	Yes	\$54,555.00
Ligonier Construction	Yes	Yes	Yes	\$85,700.00
Murin & Murn, Inc.	Yes	Yes	Yes	\$55,605.00

* Public Works Employment Verification Form

Tom S. made a motion seconded by Dean to award the contract to the low bidder, Nagy Construction and Asphalt Paving, at an amount of \$54,555.00 pending review of the bid by the Borough Engineer and that in the event that there is an issue with the low bidder, the contract would be awarded to the next low bidder Murin and Murn, Inc. pending review of the bid by the Borough Engineer. Motion passed unanimously.

Engineers' Report

With Emil having to leave early, Scott asked him to give his report.

Emil reported that:

- Mr. William Sell, Jr. submitted a request for 90-day extension for the Sell Subdivision Plan #2. The present period expires on November 10th and the next council meeting is not until November 14th.

Tom T. made a motion seconded by Linda agreeing to William Sell, Jr.'s request for a 90-day extension for the Sell Subdivision Plan #2 extending the deadline until February 8, 2018. Motion passed unanimously.

- The application for the MS4 permit was submitted by the September 16, 2017. He said that we will need to start work on the new MS4 ordinance to be in compliance with the changes to the MS4 regulations in 2022.
- It would appear that 211' feet of Oak Street beyond Cherry Street is actually borough road and that he has discussed with Public Works having the borough workers pave that portion of the road plus an additional 30' to allow for ease of snow removal. In the past, the borough has considered this a private road, but the borough has been receiving liquid fuels money for the road. The tax maps also show the road being in the borough right-of-way. John said that we would have to review the subdivisions of record. Scott said it may be a private right-of-way as opposed to a borough right-of-way. If so, they would have to offer it to us and we would have to accept it.
- He developed a drawing of the existing easement at Chanticleer near the drainage project to clearly state that it is not only a sanitary sewer easement but a storm sewer easement as well. He stated that on other parts of the Chanticleer drawing it refers to both, but in the drainage area of the easement, approximately 120', the drawing does not list a storm sewer easement. He passed around a copy of the revision.

Tom made a motion seconded by Dean approving the drawing which clearly delineates the storm sewer easement in the area of the Chanticleer plan along Center Avenue. Motion passed unanimously.

2. Discussion on Residential Waste Contract with Republic

Council reviewed the breakdown costs that were submitted by Republic Services as part of their bid package in 2014. Tom S. stated that we would probably not do any better on price.

Dean made a motion seconded by Linda to exercise the option year for 2018 with Republic Services. Motion passed unanimously.

3. Discussion on Oak St. Extension

Handled earlier in the meeting.

4. M/V on Goat Lease Agreement

Jeff stated that he forwarded the goat lease agreement drafted by John to the insurance company and is awaiting a response.

Dean made a motion seconded by Tom T. approving the goat agreement with Mr. Depta pending review by the insurance company. Motion passed unanimously.

5. M/V on MAWC Resolution 2017-863

John reviewed the proposed resolution regarding the 537 plan. He stated that several other municipalities will also have to approve it as well.

Dean made a motion seconded by Tom T. approving Resolution 2017-863. Motion passed with all voting in favor with the exception of Tom S. who voted no.

6. M/V to Amend Pay Resolution 2017-850

Tom made a motion seconded by Dean extending the pay resolution for the Part-time Seasonal Park employee from September 30, 2017 until October 31, 2017. Motion passed unanimously.

7. Discussion Regarding Dogs in New Stanton Park

Todd asked if council would consider allowing dogs into the park. Linda had mentioned the idea of a dog park inside the park. Dean suggested a trial period. Tom S. stated that by allowing dogs we could open ourselves up to liability. John suggested that Jeff contact the county, which has established dog parks. Council directed Jeff to contact the insurance company and the county.

8. Discussion Regarding PA Correctional Industries

Linda reported on the products that the PA Correctional Industries create which are made available for sale to non-profits and government entities. Scott stated that the representative also visited his office at the county. Linda stated that she would provide the information to Jeff.

9. Discussion Regarding the Construction of a brick oven at the CWCTC

Todd stated that he was informed by a CWCTC representative that they approached the borough several years ago regarding the construction of an outdoor oven but were denied a permit. Council directed Jeff to contact Mike Stack to see if a building permit is needed.

Reports

Administrative

Planning Commission Liaison

John Gomolak reported on the September 27, 2017 Planning Commission meeting at which time the members reviewed the draft zoning ordinance regarding Automotive Refueling and Convenience Stores. Aside from a minor typographical error the Planning Commission has no other changes and is recommending that council approve the ordinance.

Borough Manager – Jeffrey McLaughlin

Jeff reported that the borough's IT provider, Major Solutions, installed the cloud back up as well as the anti-virus software onto the computers. The anti-virus software was set up so as to provide a weekly e-mail report outlining any possible issues. If something arises, Jeff stated that he is to contact Major Solutions to let them know so they can address it.

Jeff reported that he, Linda, and Kathy Hamilton from the Westmoreland Conservation District met with Ann Nemanic, the Executive Director of the Laurel Highlands Visitors Bureau (LHVB), to discuss the possibility of getting a county tourism grant for the Rachel Drive roundabout signage,

landscaping and retention wall. He stated that he also attended the grant writing workshop that the LHVB held. Linda mentioned that our idea to partner with the CWCTC on the landscaping improves our chances to be funded. Also, the idea that we would be working with the CWCTC over two school years involving more than one class could help as well. Jeff mentioned the possibility of the CWCTC being involved in the sign fabrication. Linda asked if Todd could set up a meeting with CWCTC representatives. Todd said that he would.

Code Enforcement

Scott referred council to the report which was in the agenda packet.

Solicitor – John Campfield

John updated council on the Extenet DAS project. The location of the final pole on Post Avenue has been adjusted to accommodate the owner of the strip mall which is adjacent to the proposed location. This was done to meet the requirements as per the ordinance which states that the pole cannot hinder the present or future development of the adjacent property. He also stated that the PUC ruling on DAS systems is still in flux.

Engineer -- Emil Bove

Emil gave his report earlier in the meeting.

Business

Fire Department Liaison – Thomas Theis

Tom T. reviewed the monthly report that was passed out prior to the meeting. He also stated that the fire department recently installed an official heli-pad, seal coating and painting a landing area for helicopters in the department's parking lot.

Recreation Board Liaison – Nick DeSantis

No report.

PennDOT Project Liaison – Dean Clark

Dean stated that PennDOT changed the radius of the curb at the intersection of Center and Highland Avenues, opening up the intersection so it isn't as tight.

Dean stated that guide rail was installed along I-70 near Pennsylvania Avenue and PennDOT is looking at the other side by Main St. He stated that the PennDOT representative stated that they can do one or the other, a guide rail or fence.

Council Committees

Personnel and Human Resources – Scott Sistik

No report.

Public Works/MS-4 and Parks – Dean Clark & Todd Bartlow

Dean reported:

- The Public Works crew began excavating the catch basin that was being undermined by water on Fry Hollow Road near the intersection with Pine Drive. The pipe going across Fry Hollow will also need replaced.
- The catch basins on Pine Drive have been connected with a new pipe and the gully along the road has been eliminated.
- The speed humps should be installed by Fay shortly.

Tom T. asked if there had been any calls on the new stop sign at Fry Hollow at the intersection with Pine and Fry. Jeff stated that he received 1-2 calls. Discussion ensued on the stop sign that was installed for a 90 day probationary period. John said that an ordinance would have to be passed if it is decided to install the stop sign on a permanent basis. There was also discussion about putting up *School Bus Ahead* signs at various locations of the borough. Linda stated that we should consider looking at where such signs are needed.

Building and Real Estate – Linda Echard

Linda stated that there was nothing new that council was not aware of.

Workplace Safety – Thomas Theis

Tom stated that the September meeting had to be postponed due to a technical glitch. Jeff added that the committee planned to participate in a PA Department of Labor and Industry webinar but couldn't link the computer with the Smart TV in council chambers which would allow the entire committee to view the webinar.

Finance – Scott Sistik

Scott reviewed the August and September reports. The report ending August 31st: check book balance: \$327,638.51; total all savings accounts: \$281,803.12; taxes remitted from August 1, 2017 through August 31, 2017: \$82,985.33. The report ending September 26th: check book balance: \$302,286.39; total all savings accounts: \$277,507.83; taxes remitted from September 1, 2017 through September 26, 2017: \$16,103.34.

Mayor's Report

No report.

Announcements

Scott reported on upcoming events:

- Stanwood Color Race – October 22, 2017, 9 AM.
- Halloween: October 31, 2017. Scott asked Jeff to follow up with the Recreation Board about the particulars.

- Veterans Day: Saturday, November 11, 2017, 11 AM. Linda mentioned that we have two speakers and retired Army Major Tubbs and John Joseph son of a WWI veteran and that Youngwood veterans were also invited.
- November 14th 2017, 6:30 PM -- Public Hearing before the next council meeting.
- Children's Christmas Party coming up in December.
- First Budget meeting October 11, 2017, 4:30 PM -- Scott mentioned that this meeting would focus on general budget items; the October 18th meeting focus on *wish list* items; and the October 25th meeting would be on payroll and budget finalization. The goal is to present the budget to council at the November 14th meeting.

Todd expressed his thanks to council for all its thoughts at prayers at the passing of his father.

Adjournment

Dean made a motion to adjourn the meeting at 9:06 PM.

Respectfully submitted,

Jeffrey McLaughlin
Secretary