

**Borough of New Stanton**  
**Borough Council**  
**New Stanton Council Chambers**  
**January 3, 2022, 6 PM**  
**Minutes of Meeting**

**Attendance**

Council members: Todd Bartlow, Alex Brown, Linda Echard (Via Computer) George Miller, Tom Theis and Edwina Zack. Absent: Mayor Tom Smith

Also in attendance: Borough Solicitor John Campfield, and Borough Manager Jeffrey McLaughlin. Torrey Sochacki, Gerald Smith and Ray Strosko. Absent: Borough Engineer Steve Eby.

**Prayer**

Linda recited a prayer.

**Pledge of Allegiance**

The Pledge was recited.

**Welcome by Mayor Tom Smith**

Jeff reported that due to a canceled flight, Mayor Tom Smith would be unable to attend the meeting.

**Oath of Office Administered to Volunteer Fire Department Officers**

Given the Mayor's absence, the Fire Department will make other arrangements for the swearing in of officers.

**Oath of Office Administered to Newly Elected / Re-Elected Council Members**

In anticipation of the Mayor's absence, all elected officials made other arrangements being sworn in before the meeting.

**Newly Elected / Re-elected Council Members Take Their Seats**

Jeff reported that Linda was attending the meeting remotely which is allowed under the Borough Code as long as there is a physical quorum at the meeting. Linda stated that she was doing so out of health reasons, an allowable reason under the code. There was a discussion as to whether the language in the borough code allowed her to be automatically part of the quorum or if she, because she was participating via telecommunication, had to be authorized by council to be part of the quorum. In addition, there was a discussion as to whether this authorization could take place before the Organization Meeting took place, that is, before nominations were solicited for the position of Council President and Vice President.

After discussion it was decided that the code was ambiguous on the proper protocol, so it was decided to entertain a motion authorizing Linda to be part of the quorum before moving into the Reorganization meeting agenda.

Edwina made a motion seconded by Todd to authorize Linda as part of the quorum. Motion passed unanimously.

### **Nominations for Election of President of Council**

In the absence of the Mayor who would typically solicit the nominations for President and Vice President, the borough code was consulted and it was determined that a council member is to be selected, by those council members present, to take the nominations.

George made a motion seconded by Tom T. to authorize Todd to solicit the nominations. Motion passed unanimously.

Linda made a motion seconded by Tom T. to nominate Edwina Zack to the position of President of Council. The motion failed due to a 3-3 tie, with Linda Tom T. and Edwina voting *yes* and Todd, Alex and George voting *no*.

George made a motion seconded by Todd to nominate Alex Brown to the position of President of Council. The motion passed 4-2 with Tom T., Todd, George and Alex voting *yes* and Edwina and Linda voting *no*.

### **Nomination for Election of Vice President of Council**

Tom T. made a motion seconded by Alex to nominate George Miller to the position of Vice President of Council. The motion passed 4-2 with Tom T., Todd, Alex and George voting *yes* and Edwina and Linda voting *no*.

### **Mayor Smith Turns Gavel Over to Council President**

Todd turned the gavel over Alex Brown as the new President of Council.

### **Approval of Bills**

Alex asked for a motion to approve the bills.

Edwina made a motion seconded by George to approve the bills in the amount of \$30,221.56. Motion passed unanimously.

### **Approval of Minutes of the December 14, 2021 Meeting**

Edwina made a motion seconded by Todd to approve the minutes of the December 14, 2021 meeting. Motion passed unanimously.

## **Opportunity for Public Comment -- Items Not on the Agenda**

There were no comments.

## **Opportunity for Public Comment -- on Agenda Items Only**

*Torrey Sochacki, 209 Glenn Fox Rd.*

Mr. Sochacki asked that the Planning Commission and Council meeting minutes be updated on the borough website. Mr. McLaughlin apologized for the oversight and said that the newest minutes will be posted.

Mr. Sochacki also asked about the proposed warehouse and distribution facility planned for Glenn Fox Rd:

- He inquired about the status of the new traffic study. Jeff stated that the count was completed and if Mr. Sochacki would like a copy of the information, to fill out a Right-to-Know request form and to submit it to the borough.
- He asked if a fence is to be installed around the perimeter of the property. Jeff stated that the plans do not call for a fence.
- He asked if there was a timetable on announcing the tenant. Jeff said that there is no timetable.

*Gerald Smith, 206 Glenn Fox Rd.*

Mr. Smith asked if the approval of the warehouse in Churchill, Allegheny County would affect the construction of this facility. Jeff said he did not know.

## **Agenda**

### **1. Discussion and/or Deliberation and/or Official Action to Elect a President Pro-Tem**

Jeff pointed out that the election of a President Pro Tem was not addressed under the reorganization portion of the agenda because it is not a position required by the borough code, but it has been a position that the New Stanton Council has opted to have.

Tom T. made a motion seconded by George to nominate Todd Bartlow as President Pro Tem. Motion passed unanimously.

### **2. Discussion and/or Deliberation and/or Official Action on Resolution 2022-991**

#### **Appointing Someone to the 2-Year Vacant Council Seat**

Alex reviewed the situation. He stated that Edwina had won both a 4-year seat and the 2-year seat and he stated that it was his understanding that Edwina decided to accept the 4-year seat. Edwina confirmed. He stated that in the past council has sought applications for council positions. He stated that under the borough code council he thought that council had 30 days to fill the seat.

Linda stated that council has also appointed candidates who had received the highest number of votes without winning a seat. She said that when Alex was appointed applications were solicited because there were no other candidates for consideration.

In response, Alex said then it comes down to whether council wants to appoint someone presently or if they want to seek applications.

Edwina suggested that Ray be nominated. That he ran in the election and that he has been on council. She said that council needs to move ahead.

George stated we have a member of the community who is interested, that did run for the position so he would be inclined to agree with Edwina.  
Surgery

Edwina made a motion seconded by Tom to appoint Raymond Strosko to the vacant council seat until January 2, 2024. Motion passed with all voting in favor with the exception of Alex who voted *no*.

### **3. Discussion and/or Deliberation and/or Official Action on up to 3 Resolutions Appointing up to 3 People to the Planning Commission**

Jeff reported that Jay Gomolak's and Tim Seale's terms are up and that they expressed interest in continuing to serve. He also reported that Denise Smyda had submitted her letter of resignation. Jeff stated that so far no one had expressed interest in the open seat resulting from Denise's resignation.

Alex suggested that Jay and Tim be reappointed and for Denise's spot the borough should advertise.

Edwina made a motion seconded by Todd adopting Resolution 2022-992 appointing John "Jay" Gomolak to the Planning Commission for a term of 4 years. Motion passed unanimously.

Tom made a motion seconded by Edwina adopting Resolution 2022-993 appointing Timothy Seale to the Planning Commission for a term of 4 years. Motion passed unanimously.

Edwina made a motion Tom to advertise for an additional Planning Commission member via Savvy Citizen and the community event sign. Motion passed unanimously.

### **4. Discussion and/or Deliberation and/or Official Action on Resolution 2022-994 Appointing Someone to the Zoning Hearing Board**

Jeff stated that Phil Keilbach's term on the board and Dean Clark's term as the Alternate had ended. He stated that he reached out to Phil but did not get a response. Jeff said that he spoke to Dean who stated that he would be willing to serve as a board member.

Todd made a motion seconded by Tom adopting Resolution 2022-994 appointing Dean Clark to the Zoning Hearing Board for a term of 3 years. Motion passed unanimously.

Tom made a motion Todd to advertise for a Zoning Hearing Board Alternate via Savvy Citizen and the community event sign. Motion passed unanimously.

**5. Discussion and/or Deliberation and/or Official Action on Resolution 2022-995**

**Appointing Someone to Head the Borough's Vacancy Board**

Jeff stated that he attempted to contact the head of the Vacancy Board in previous years to see if they were still interested in the position, but thus far he has not heard from them. He said he will keep trying to see if they are interested.

Tom made a motion seconded by Edwina tabling Resolution 2022-995 appointing a Chairperson to the Vacancy Board. Motion passed unanimously.

**6. Discussion Edward Deliberation and/or Official Action to Select Central Westmoreland COG as UCC Appeals Board**

Tom made a motion seconded by Edwina to select the Central Westmoreland Council of Governments as the UCC Appeals Board for the borough. Motion passed unanimously.

**7. Discussion and/or Deliberation and/or Official Action on Glenn Fox New Stanton LLC (i.e., SunCap) Developer's Agreement or on Time Extension Resolution 2022-996 for Developer's Agreement**

It was decided to move this to later on the in agenda.

**8. Discussion and/or Deliberation and/or Official Action to Purchase a Case Wheel Loader from Groff Tractor and Equipment Through the Co-Stars Program at a Price of \$87,900**

Jeff stated that the present wheel loader is in poor condition and that the purchase of a new one was included in the 2022 budget at a price of \$87,900. He stated that the Case wheel loader from Groff Tractor and Equipment is CoStars approved which reduces the price by 20% from the list price.

There was a clerical error in listing the price on the agenda at \$87,900 and the actual cost which is \$93,900. The difference was that Groff was willing to give \$6,000 for the old wheel loader. Jeff stated that after consultation with John C. the existing wheel loader cannot be traded in because under the borough code, *personal property* that is valued more than \$2,000 has to be advertised for sale or auctioned off.

Todd made a motion seconded by Tom to purchase a Case Wheel Loader from Groff Tractor and Equipment at a CoStars Price of \$93,900. Motion passed unanimously.

George made a motion seconded by Todd to advertise the existing borough-owned wheel loader on Munici-Bid. Motion passed unanimously.

**9. Discussion and/or Deliberation and/or Official Action to Permit Closure of Streets for UPS Sponsored 5K on May 14, 2022**

Todd made a motion seconded by Tom to permit closure of streets for UPS-sponsored 5K on May 14, 2022. Motion passed unanimously.

**10. Discussion and/or Deliberation and/or Official Action to Amend Handbook to Provide Vacation Time at the Beginning of the Calendar Year as Opposed to Earning as You Go**

Items #10 and #11 were discussed simultaneously.

**11. Discussion and/or Deliberation and/or Official Action to Amend/Clarify Handbook paying Employees for Unused Vacation, Personal and Sick Time at the End of Employment**

Edwina reported that the Personnel Committee had not had a chance to meet to discuss agenda items #10 and #11.

Todd made a motion seconded by Tom to table items #10 and #11 until the Personnel Committee gets a chance to meet and review. Motion passed unanimously.

**Reports**

**Administrative**

**Planning Commission**

Jeff stated that the commission has not met since the last council meeting.

**Borough Manager**

Jeff reported that:

- The position of 2<sup>nd</sup> Class/1<sup>st</sup> Class Laborer has been readvertised.
- Jeff stated that John Crivella is on standby in the event the public works needs help with snow plowing.
- The new Ford 550 is slated to be in at the end of summer.

**Code Enforcement Report**

Jeff reported that he received a complaint about a new parking lot light at the former Econo Lodge. He stated that it was set at an angle which lights up neighbors' property and also is causing glare for these neighbors.

**Solicitor's Report**

John said that as part of the Arona Road Culvert project, Steve asked him to put together additional easement documents for the culvert. These easements would be with the Farlow Estate and Central Westmoreland Career and Technical Center. The easements are needed for construction as well as for inspection. The easements are for a construction easement and for inspection of the bridge after it is completed.

**Engineer's Report**

Jeff reported that Steve was unable to attend because he had several other reorganization meetings to attend.

### **Fire Department Liaison**

Alex asked that council review the report on their own.

### **Council President**

Alex said that he would put together the membership list for the committees.

### **Mayor**

No report.

### **Personnel/HR**

No report.

### **Public Works/MS4 & Parks**

No report.

### **Special Events**

No report.

### **Building and Real Estate**

No report.

### **Safety Committee**

No report.

### **Finance Report**

The report was provided to council in the agenda packet.

### **Public Comment**

Todd asked Jeff if he was able to speak to someone from the City of Jeannette regarding its Christmas light sponsorship program. Jeff stated that he learned that the program started in 2018. The cost to sponsor a 7 1/2' star was \$480 and the smaller star was \$280. These prices included the light and the plaque.

Todd said that council should move ahead quickly. Jeff said that the lights are always on sale at the beginning of the year, after Christmas. Alex asked for volunteers to form a Christmas Light Committee. Todd, Linda and George volunteered.

### **Executive Session**

Todd made a motion seconded by George to go into Executive Session for matters of litigation at 7:41. There were no objections.

Todd made a motion seconded by George of come out of Executive Session at 8:26 PM. There were no objections.

**Discussion and/or Deliberation and/or Official Action on Glenn Fox New Stanton LLC (i.e., SunCap) Developer's Agreement or on Time Extension Resolution 2022-996 for Developer's Agreement**

*Council revisited this agenda item that was moved from earlier in the meeting.*

Todd made a motion seconded by Edwina to adopt Resolution 2022-996 granting a time extension for the adoption of the Developer's Agreement with Glenn Fox New Stanton LLC (i.e., SunCap) until February 2, 2022. Motion passed unanimously.

Todd made a motion seconded by Edwina to Adjourn the meeting at 8:29. There were objections.

**Announcements**

Alex said that the second meeting of the month is scheduled for January 18<sup>th</sup>, if necessary.

**Adjournment**

Todd made a motion seconded by Edwina to adjourn the meeting at 8:29 PM. There were no objections.

Respectfully submitted,

Jeffrey McLaughlin  
Secretary