

**Borough of New Stanton**  
**Borough Council**  
**Via Teleconference**  
**December 15, 2020**  
**Minutes of Meeting**

**Attendance**

Council members: Todd Bartlow, Joshua Bennett, Alex Brown, Linda Echard, Ray Strosko, Tom Theis and Edwina Zack. Absent: Mayor Scott Sistik. Also: Borough Engineer Emil Bove, Borough Solicitor John Campfield and Borough Manager Jeffrey McLaughlin. Guest: Alana Ficco, Bill Cooke, Ryan Wotus, David Masterstefano and Kim Clackson.

**Call to Order**

President Ray Strosko called the meeting to order at 5:30 PM.

**Prayer**

Linda recited a prayer.

**Pledge of Allegiance**

The Pledge was recited.

**Approval of Bills**

*November & December 1-8, 2020 Bills*

Josh made a motion seconded by Todd approving the bills for November 2020 in the amount of \$53,366.80 and the bills for December 1 - 8, 2020 in the amount of \$6,029.11. Motion passed unanimously.

**Approval of Minutes of November 20, 2020 Meeting**

Josh made a motion seconded by Edwina to approve the November 10, 2020 meeting minutes. Motion passed unanimously.

**Guests**

*Kim Clackson, Partner in RSP, LP*

Mr. Clackson spoke on behalf of RSP, LP, which owns a 195-acre site in New Stanton. He asked that council pass an ordinance declaring it a deteriorated area under the Local Economic Revitalization Tax Act, providing a 100% exemption from real property taxes for the assessed value of new construction and improvements to the property for the next 5 years.

Josh made a motion seconded by Tom to advertise the LERTA ordinance for consideration at the January 5, 2021 meeting. Motion passed unanimously.

***Ryan Wotus***

Ryan Wotus, the attorney for Sheetz, stated that in order to continue to have the HOP application processed, PennDOT is requiring that a sidewalk easement agreement between the borough and CSP Investments (i.e., Sheetz) be put into place. The agreement would grant the public access to the sidewalk and require that Sheetz maintain it and indemnify the borough from any liability.

Alex made a motion seconded by Josh approving the Sidewalk Easement Agreement between the borough and CSP Investments. Motion passed unanimously.

It was decided that the balance of the Sheetz agreements would be considered at the January 5, 2021 meeting.

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

There was no public comment.

**Council Additions to Agenda**

There were no additional items added to the agenda.

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

There were no comments.

**Agenda**

**1. Opening of Sealed Bids for the Old Borough Building**

Jeff opened the sole bid received for the old Borough Building. It was submitted by Greenery Market, LLC.

Tom made a motion seconded by Josh to adopt Resolution 2020-954 selling the old borough building to Greenery Market LLC in the amount of \$121,900. Motion passed unanimously.

**2. Adoption of General Fund and Liquid Fuels Budget in the Amount of \$1,055,250.00**

Tom made a motion seconded by Linda to adopt the General Fund and Liquid Fuels Budget in the amount of \$1,055,250.00. Motion passed unanimously.

**3. M/V Setting 2021 Real Estate Tax Millage (Resolution 2020-955)**

Josh made a motion seconded by Edwina adopt Resolution 2020-955 setting the millage for the borough at 4 Mills. Motion passed unanimously.

**4. M/V to Renew 2021 Workmen’s Compensation Insurance with Simpson-McCrary at a cost of \$13,554**

Josh made a motion seconded by Tom to renew the Workmen’s Compensation Insurance for 2021 with Simpson-McCrary at a cost of \$13,554. Motion passed unanimously.

**5. M/V to Renew for 2021 Property & Liability Insurance with Century Heritage Insurance Consultants at a Cost of \$23,465**

Josh made a motion seconded by Alex to renew the Property & Liability Insurance for 2021 with Century Heritage Insurance Consultants at a cost of \$23,465. Motion passed unanimously.

**6. 2021 Pay Resolutions**

- a) **M/V on Public Works Team Leader**
- b) **M/V on 1<sup>st</sup> Class Laborer (Humes)**
- c) **M/V on 1<sup>st</sup> Class Laborer (Sever)**
- d) **M/V on Borough Manager**
- e) **M/V on Assistant Manager**
- f) **M/V on Part-time Code Enforcement Officer**
- g) **M/V on UCC Building Code Official**
- h) **M/V on Part-time Public Works-Seasonal (Park)**
- i) **M/V on Part-time Casual Snow-Plow Operator**

Tom made a motion seconded by Josh to approve all of the pay resolutions, 2020-956 through and including 2020-964. Motion passed unanimously.

**7. M/V on Resolution to List Old Rescue Truck with Fire Line Equipment**

Tom made a motion seconded by Todd to adopt Resolution 2020-965 selling the old rescue truck on Fire Line Equipment. Motion passed unanimously.

**8. Update on 2021 Rescue Truck**

Jeff stated that the LGUDA process, allowing the borough to raise the debt ceiling, is expected to be approved on December 17, 2020 and the closing on the S&T loan is anticipated to take place during the week of December 27, 2020. Jeff stated that the down payment owed by the borough would equal \$175,000. He said that the borough has sufficient resources in the Fire Fighting Account to pay for \$125,000 of the down payment and suggested taking the \$50,000 balance out of either the Local Services Tax Account , Money Market Fund or the General Fund.

Alex made a motion seconded by Linda to take \$125,000 of the down payment for the new 2021 KME Rescue Truck from the Fire Fighting Account and \$50,000 from the General Fund. Motion passed unanimously.

**9. M/V to Pay Westmoreland County Transit Authority the 2020-2021 Local Share in the Amount of \$850.50**

Linda made a motion seconded by Josh to pay Westmoreland County Transit Authority the 2020-2021 Local Share in the amount of \$850.50. Motion passed unanimously.

**10. M/V to Appoint The Hideaway Kennels as Animal Control Officer for 2021**

Tom made a motion seconded by Josh to appoint The Hideaway Kennels as Animal Control Officer for 2021. Motion passed unanimously.

**11. M/V to Hire John Campfield as Borough Solicitor for 2021**

This item was tabled until later in the meeting.

**12. M/V to Hire Emil Bove as Borough Engineer for 2021**

This item was tabled until later in the meeting.

**13. M/V to Hire Henninger Accounting Services to Perform the Borough & Tax Collector Audits at a Cost of \$4,800**

Josh made a motion seconded by Todd to hire Henninger Accounting Services to perform the Borough & Tax Collector Audits at a cost of \$4,800. Motion passed unanimously.

**14. M/V on Planning Commission and Zoning Hearing Board Openings**

Jeff pointed out that Denise Smyda's and Calvin Kaufmann's terms on the Planning Commission are set to expire at the end of 2020. Calvin stated that he is not interested in continuing, but Denise said that she is. He stated that Henry "Bud" Moore's term on the Zoning Hearing Board is up and he is willing to continue.

Linda made a motion seconded by Todd to adopt Resolution 2020-966 appointing Henry "Bud" Moore to the Zoning Hearing Board for a term of 3 years. Motion passed unanimously.

Linda made the motion seconded by Todd to adopt Resolution 2020-967 appointing Denise Smyda to the New Stanton Planning Commission for a term of 4 years. Motion passed unanimously.

**15. M/V to Close Early on Christmas Eve**

Linda made a motion seconded by Todd to close the office and Public Works at Noon on Christmas Eve. In the event that the Public Works' employees need due to inclement weather they will be given three hours of comp. time. Motion passed unanimously.

**16. M/V on 2021 Meeting Calendar**

Council reviewed the draft calendar that Jeff presented to them in the agenda packet.

Josh made a motion seconded by Alex to adopt the 2021 calendar. Motion passed unanimously.

John suggested that council may want to consider advertising some of the meetings to be held via computer and the balance being advertised for taking place at the borough building.

Todd made a motion seconded by Edwina to advertise all of the meetings through April 2021 as taking place via computer and from May through December as taking place at the borough building. Motion passed unanimously.

### **17. Discussion on RSP LP (Westinghouse) LERTA**

This was addressed earlier in the meeting.

### **Executive Session**

Todd made a motion seconded by Josh to go into Executive Session at 7:31 PM. There were no objections.

Todd made a motion seconded by Todd to come out of Executive Session at 8:22 PM. There were no objections.

### **M/V to Hire John Campfield as Borough Solicitor**

Todd made a motion seconded by Linda to hire John Campfield as Borough Solicitor for 2021. Motion passed unanimously.

### **M/V to Hire Emil Bove as Borough Engineer**

Todd made a motion seconded by Linda to hire Bove Engineering for the first 6 months of 2021. Motion passed unanimously.

## **Reports**

### **Administrative**

#### **Planning Commission**

Jeff stated that he expects Planning to make the final review of the proposed Stormwater Ordinance in January.

#### **Borough Manager**

Jeff reviewed his written report which was provided to council.

#### **Code Enforcement**

Jeff reviewed the written report that was e-mailed out to council.

Linda asked Jeff to look into a home-based business that someone has reported is operating in the Chanticleer development.

## **Solicitor's Report**

John reported that:

- UPS did not file an appeal to the Zoning Hearing Board.
- Keystone Fire Apparatus has promised a discount if we pay off the new truck early.
- There have been two tax assessment appeals filed by property owners. He said that we usually take our cue from the school district solicitor because they would have the most at stake. Ordinarily the borough pays for costs on a pro-rated basis in relation to the county and the school district.
- He, Jeff and Emil have been working on the Stormwater Ordinance.
- The developer of Broadview Estates finally signed the developer's agreement, but there are issues with the security agreement. He will be sending the developer revisions to have them incorporated into the agreement.

## **Engineer's Report**

Emil thanked council for the reappointment. He reported that:

- Work continues on Broadview Estates. They are installing storm sewers and road crossings and two erosion control basins. The contractor would like to pave about 1,000 linear feet, weather permitting, so as not to work in the mud. He reported that Bove Engineering has a full-time inspector on site.
- Work is proceeding on the Arona Road Bridge/Culvert to get the permits and design in place to be ready for a bid opening at the June 2021 council meeting.
- He reported that the KGD Contracting has submitted its final payment request for the Shrader Hollow Culvert. The change orders amounted to \$9,000, but the total was still lower than the next lowest bid. The change orders were necessary to address additional base repair to the existing roadway as well as to pay for additional labor and material for the replacement of the adjacent property owner's fencing, needed due to the configuration of the new culvert's guide rail. Emil asked that the final payment be paid contingent upon completion of the fence and receipt of the two-year maintenance bond.

Todd made a motion seconded by Josh to pay the final payment in the amount of \$47,992.75 to KGD Contracting contingent upon completion of the and receipt of the two-year maintenance bond. Motion passed unanimously.

## **Adjournment**

Because the meeting was running long, it was decided to dispense with the balance of the agenda.

Todd made a motion seconded by Alex to adjourn the meeting at 8:54 PM. There were no objections.

Respectfully submitted,

Jeffrey McLaughlin  
Secretary