

Borough of New Stanton
Borough Council
New Stanton Council Chambers
October 3, 2023, 6 PM
Minutes of Council Meeting

Attendance

Councilmembers: Todd Bartlow, Alex Brown, Jeffrey Kerr Ray Strosko and Edwina Zack. Also present Mayor Tom Smith. Absent: Linda Echard and Tom Theis.

Also in attendance: Borough Engineer Steve Eby, Borough Solicitor John Campfield, and Borough Manager Jeffrey McLaughlin.

Call to Order

President Alex Brown called the regular October 5, 2023 council meeting to order at 6:00 PM.

Pledge of Allegiance

The Pledge was recited.

Prayer

Jeff M. recited a prayer.

Approval of Bills as of September 27, 2023 in the Amount of \$54,425.97

Jeff K. made a motion seconded by Edwina to approve the bills in the amount of \$54,425.97. Motion passed unanimously.

Approval of Minutes of the September 19, 2023 Meeting

Edwina made a motion seconded by Todd to approve the minutes of the September 19, 2023 meeting. Motion passed unanimously.

Opportunity for Public Comment -- Items Not on the Agenda

There were no public comments.

Opportunity for Public Comment -- on Agenda Items Only

There were no public comments.

Agenda

Alex asked if there were any objections to rearranging the agenda so as to address the Stipkovic matter last. There were none.

1. Discussion and or Deliberation and or Official Action on Proposed Intergovernmental Agreement Creating a UCC Appeals Board

Alex referred to the draft intergovernmental agreement (IGA) that was included in the agenda packet. He felt that adopting an IGA is fairly involved and he asked John if he could look into it. He said that the IGA was prepared by Greensburg's solicitor for review by municipalities including New Stanton that are in need of replacing the former UCC Appeals Board, which is no longer functioning. He stated that the document still needs to be reviewed by all of the interested communities before any formal action needs to be taken by the borough.

Todd made a motion seconded by Jeff K. to table action on the Intergovernmental Agreement at this point. Motion passed unanimously.

2. Discussion and/or Deliberation and/or Official Action on Whether to Issue a Building Permit to Rex Zerbe for Property at 109 Bridge St. (Parcel ID: 64-06-00-0-039)

Alex reviewed the situation with this property which is located on a state road and is in need of a Highway Occupancy Permit (HOP), also known as a driveway permit, from PennDOT.

Jeff M. stated the land development plan was approved by the borough council for this project back in May contingent upon Steve's final approval which included receipt of an HOP. Mr. Zerbe has applied for an HOP twice, but PennDOT returned the application both times with findings that need addressed. Jeff stated that in order to proceed with construction, Mr. Zerbe is asking that the building permit be issued without receipt of the HOP and that as an alternative the borough not issue the occupancy permit until after he receives the HOP. Jeff reported that Mr. Zerbe began construction of the addition, but the borough issued a stop work order because the building permit was not issued.

A section from the PA Municipalities Planning Code was passed out to the council members. After discussion, Alex stated that he does not believe that, given the language in the PA MPC, the borough can take action on this item. He said that the borough can only hope that PennDOT can act quickly and issue the HOP so that the borough can issue the building permit.

3. Discussion and or Deliberation and or Official Action on Robert Stipkovic's Appeal of the ZHB's Decision to Common Pleas Court Executive Session

Jeff K. made a motion seconded by Edwina to go into Executive Session for matters of litigation at 6:33 PM. Motion passed unanimously.

Todd made a motion seconded by Jeff K. to come out of Executive Session at 6:33 PM. Motion passed unanimously.

No action was taken.

Reports
Administrative

Planning Commission

Jeff M. said that the Planning Commission did not have a quorum for their last scheduled meeting date so they are scheduled to meet on October 11, 2023. There was a discussion regarding the need for an additional Planning Commission Member. Alex suggested putting that item on the agenda for the next meeting.

Borough Manager

Jeff M. reported that:

- The magistrate has given the owner of 366 Arona Road until early November to clean the property up or he will begin issuing fines.
- A hearing date with the magistrate for 290 Arona Road is scheduled for October 26, 2023.
- He sent a letter to the owner 833 S. 7th St. about unregistered vehicles. The owner responded saying that he will have the vehicles removed.
- The building permit has been issued and construction has started at 105 Highland Avenue.
- Mark Cypher is going to follow up about getting the dump truck removed from 116 W. Pennsylvania Avenue.
- The Finance Committee held its first meeting prior to the council meeting. The next meeting will be on October 10th at 4 PM.
- The Central Planning District group is scheduled to meet on October 5, 2023 at 6 PM.
- Tom T., Tom S. and he attended the Westmoreland County Boroughs' Association dinner. John Turack from Penn State Extension was the speaker.

Ray brought up the need for two dead trees to be removed along Sandworks Road. He referred to an e-mail sent from Hempfield public works back in August regarding the situation. Jeff M. stated that the trees are in Hempfield but that the property on which they are located is assessed in New Stanton. Jeff M. stated that he asked Mark Cypher to contact the property owner to have the trees removed. Ray said that Hempfield said that they would work with the borough to remove the trees.

Code Enforcement Report

Alex referred council to Mark Cypher's report.

Solicitor's Report

John stated that there is a reference to an intergovernmental cooperation agreement in the Pennsylvania construction code. He said that he would send it to Jeff M.

Engineer's Report

There was a discussion about installing curbing along certain borough streets to aid in stormwater runoff.

Steve reviewed the cost estimates for streets that should be looked at for possible paving in 2024.

Ray asked if we had heard anything from PennDOT regarding possible additional funding for the Arona Road Project. Steve said that unfortunately the local PennDOT representative that submitted the request to Harrisburg retired. Jeff stated that he asked the local representative's replacement to look into it.

Steve gave an update on the line painting that council authorized him to handle. He said that he has been talking to Parking Lot Painting Company (PLP). He pointed out that some of the roads that the borough is considering paving in 2024 are also on the line painting list. It was agreed that those roads should not be painted until a decision is made as to which roads the borough will pave.

Steve said that a representative from Emerald FX will be coming out to the borough on October 4th to look at possible sites for the splash pad at the park. He invited the Splash Pad Committee members to attend.

He mentioned that a property owner contacted him about the process to sell 4 rental townhouses on Northeast Drive that are currently deeded as one property.

Fire Department Liaison

Ray reported that the fire department had 43 calls in September and that the balance in the chief's account was \$11,487.00

Council President

Alex reported that the Finance Committee met and has already completed the revenue side of the draft 2024 budget and is well underway drafting the expenditure side of the budget. He said that he would be attending the Westmoreland Central Planning District meeting to continue discussions with several other municipalities regarding forming a council of governments and a regional UCC Appeals Board.

Mayor

No report.

Personnel

Alex stated that the Committee will be meeting to review employee compensation as part of the budget process.

Public Works/MS4 & Parks

Steve said that at the next meeting he will ask council to vote on state Local Share Account grant resolutions for the park. He stated that council earmarked the walking path and bathroom restoration as the next priorities.

Community Betterment

There was a short discussion about the Veterans' Day event which will be held on Friday, November 10, 2023 at 11 AM at the New Stanton Fire Hall.

Workplace Safety Committee

Jeff M. mentioned that the committee met in August and will be scheduling a meeting for September.

Jeff K. stated that the topic was about developing *Job Hazard* reports that outline the tasks required to accomplish certain jobs. He said that it could be beneficial to Public Works and he has offered to help them create these descriptions.

Finance Report

Todd reviewed the financial report: as of September 26, 2023, there was a checking balance of \$1,026,524.78; the total of all savings accounts was \$947,348.20 and the taxes remitted from September 1, 2023 through September 26, 2023 were \$13,238.22.

Additional Opportunity for Public Comment

No public comment.

Announcements

Alex stated that if necessary, the second meeting of the month will be on October 17, 2023. The first meeting in November will be on November 6th. The Zoning Hearing Board is canceled but the Planning Commission will meet as scheduled.

Adjournment

Todd made a motion seconded by Jeff K. to adjourn the meeting at 7:54 PM. Motion passed unanimously.

Respectfully submitted,

Jeffrey McLaughlin
Secretary