

**Borough of New Stanton
Borough Council
New Stanton Council Chambers
December 12, 2023, 6 PM
Minutes of Council Meeting**

Attendance

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

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

Call to Order

President Alex Brown called the regular December 12, 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 December 5, 2023 in the Amount of \$36,940.79.

Jeff K. asked about the IRS penalty on the bill list.

Jeff M. explained that the building inspector typically gets paid at the time a permit is issued. In this particular case, the check being cut was very large and even though there has never been a problem in the past, it was thought that an agreement should be put into place guaranteeing that the inspections would take place. Although cut, the check was not given to the building inspector until after the agreement was signed and the taxes were not posted until the building inspector was paid. This resulted in the taxes being posted 5 days late.

Jeff K. also asked why the wiring harness on the 2016 Ford 550 needed replaced. He asked if this was the same truck that needed the anti-pollution filter replaced. Jeff M. said it was. Jeff K. said that the 2016 truck seems to need a lot of maintenance. There were suggestions that because the truck is used to spread salt, corrosion could have caused the damage to the wiring harness.

Todd made a motion seconded by Edwina to approve the bills in the amount of \$36,940.79. Motion passed unanimously.

Approval of Minutes of the November 6, 2023 Meeting

Edwina made a motion seconded by Ray to approve the minutes of the November 6, 2023 meeting. Motion passed with all voting in favor with the exception of Todd who abstained.

Bid Opening: Sewickley, Post & Pennsylvania Stormwater Project

Steve opened the bids.

<u>Bidder</u>	<u>Base Bid</u>	<u>Alternate</u>	<u>Total</u>
A. Folino	\$305,811.00	\$68,160.00	\$373,971.00
A. Liberoni	\$214,607.75	\$57,912.00	\$272,519.75
Boney Construction	\$256,238.52	\$64,080.00	\$320,318.52
Brex Enterprises, Inc.	\$347,894.99	\$92,241.60	\$440,136.59
CHD Enterprises	\$276,052.00	\$67,200.00	\$343,252.00
Fort Construction Group, Inc.	\$284,039.73	\$130,000.00	\$414,039.73
G. Salandro Excavating, LLC	\$151,058.00	\$66,720.00	\$217,778.00
KGD Contracting, Inc.	\$158,031.00	\$68,640.00	\$226,671.00
Independent Enterprises, Inc.	\$262,320.00	\$62,400.00	\$324,720.00
Ligonier Construction	\$410,155.00	\$96,000.00	\$506,155.00
Morgan Excavating, LP	\$215,339.00	\$65,760.00	\$281,099.00
M. O'Herron Co.	\$297,851.00	\$72,000.00	\$369,851.00
Piccolomini Contractors	\$245,242.00	\$96,960.00	\$342,202.00
Piccolomini Development	\$246,989.97	\$58,080.00	\$305,069.97
Quigley Development, Inc.	\$322,731.85	\$81,600.00	\$404,331.85
Ridge Excavating Co.	\$263,129.50	\$69,600.00	\$332,729.50
Ten Mile Paving	\$210,407.00	\$58,080.00	\$268,487.00

Bid Opening: Park Splash Pad

Steve opened the bids:

<u>Bidder</u>	<u>Bid</u>
CHD Enterprises	\$323,700
Hogens Heros Inc. d/b/a J5 Construction	\$434,000
KGD Contracting	\$202,090
Roger Suter and Sons, Inc.	\$209,500
Plavchak Construction Co, Inc.	\$343,000

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

1. Discussion and or Deliberation and/or Official Action on Awarding of the E. Pennsylvania, E. Post and Sewickley St. Stormwater Contract

Todd made a motion seconded by Edwina to award the E. Pennsylvania, E. Post and Sewickley St. stormwater contract to the apparent lowest responsible bidder: G. Salandro Excavating, LLC with a base bid of \$151,058 and an alternate of \$66,720, with the next two lowest bidders, KGD Contracting with a base bid of \$158,031 and an alternate of \$68,640 and Ten Mile Paving with a base bid of \$210,407 and an alternate of \$58,080 being considered in that order, dependent upon the review of the apparent low bidder by the borough engineer and solicitor. Motion passed unanimously.

2. Discussion and/or Deliberation and/or Official on the Awarding of the Park Splash Pad Contract

Todd made a motion seconded by Edwina to award the Park Splash Pad contract to the apparent lowest responsible bidder KGD Contracting in the amount of \$202,090, with the next lowest bidder, Roger Sutter and Sons in the amount of \$209,500 being considered dependent upon the review of the apparent low bidder by the borough engineer and solicitor. Motion passed unanimously.

3. Discussion and or Deliberation and/or Official Action on Paul & Karen Tzou Request to Consolidate Lots at 126 E. Byers Avenue (Parcel ID#: 64-04-09-0-026

Jeff M. reviewed the Planning Commission's recommendation regarding the Tzou property, a copy of which was provided to council.

Attorney Eric Bononi spoke on behalf of the Tzou's.

Tom made a motion seconded by Todd approving the consolidation of lots 14 through 17 in the Pagano plan of lots, 126 E. Byers Avenue, Parcel ID#: 64-04-09-0-026, currently the location of the former Szechuan Wok, contingent upon easements being incorporated into the deeds stating that the maintenance of the retaining wall which runs alongside the adjacent home at 122 E. Byers Avenue, Parcel ID#64-04-09-0-057 and the walkway connecting the restaurant to the said home is the responsibility of the owner of the restaurant; and that the side of the property along the paper alley be considered the rear of the property. Motion passed unanimously.

4. Discussion and or Deliberation and/or Official Action on Northeast Townhouses

Steve informed council that the owner of the townhouses on Northeast Drive has decided to convert the units into condominiums.

5. Discussion and or Deliberation and/or Official Action Regarding Sandworks Bridge

Todd made a motion seconded by Ray to have Steve develop specifications and advertise for bids for the Sandworks Bridge. Motion passed unanimously.

Steve left at this time to attend another meeting.

6. Discussion and or Deliberation and/or Official Action to Adopt a 2024 General Fund and Liquid Fuels Budget in the Amount of \$1,803,409.

Ray mentioned that Jeff M. did not have 85 Post Avenue, the location of the salt bin, a pole building and a lean-to building listed on the borough insurance. Jeff M. apologized and stated that he always thought that the property was included on the borough's insurance policy and was surprised to find that it was not. The issue was discovered when the fabric cover for the salt bin was torn during a recent storm and the borough submitted a claim to replace the cover. Jeff M. stated that the claim was denied because the location was not listed on the borough insurance policy. Jeff M. stated that the cost for the torn cover is approximately \$4,000 and the borough's deductible is \$2,500. Jeff M. stated that the cover has been ordered and John Barnes and the Public Works crew will install it.

Alex asked if there were any questions or concerns regarding the budget. He pointed out that a lot of the expenditures are going to be covered by grant funds. Todd expressed appreciation for Steve's involvement in securing the grant funds and Alex concurred.

Todd made a motion seconded by Jeff K. to adopt the 2024 General Fund and Liquid Fuels Budget in the amount of \$1,803,409. Motion passed unanimously.

7. Discussion and or Deliberation and/or Official Action to Adopt Resolution 2023-1037 Setting the 2024 Real Estate Tax Milage

Tom made a motion seconded by Todd to adopt Resolution 2023-1037 keeping the real estate taxes at a total of 4 mills. Motion passed unanimously.

8. Discussion and or Deliberation and/or Official Action to Renew Property, Liability and Automobile Insurance through Century Insurance Consultants for 2024

Jeff M. reviewed the two insurance policies provided by the Century Insurance Agency, the borough's insurance agent. There was a discussion about the premiums and the coverages of each policy.

Todd made a motion seconded by Jeff K. to go with McKee Risk Management, Inc. for property, liability and automobile insurance for 2024 at a cost of \$28,044. Motion passed with all voting in favor with the exception of Alex who abstained due to his law firm doing work for McKee Risk Management, Inc.

9. Discussion and or Deliberation and/or Official Action to Renew Workmen's Compensation Insurance through Simpson-McCrary for 2024

Todd made a motion seconded by Edwina to Renew Workmen's Compensation Insurance from AM Trust through Simpson-McCrary for 2024 in the amount of \$15,314. Motion passed unanimously.

10. Discussion and or Deliberation and/or Official Action to Appoint The Hideaway Kennels as Animal Control Officer for 2024

Jeff M. stated that he had not received a proposal yet from The Hideaway Kennels for 2024 for animal control.

Ray reported on an accident on the turnpike in which some dogs had to be rescued by The Hideaway Kennels. He stated that they were receiving donations to cover the costs.

Council asked Jeff M. to look into the situation.

Todd made a motion seconded by Edwina to table action on a 2024 animal control contract on this item until receipt of a proposal from The Hideaway Kennels. Motion passed unanimously.

11. Discussion and or Deliberation and/or Official Action on Resolution 2023-1038

Accepting the Resignation of Charles Humes from the Planning Commission

Tom made a motion seconded by Ray adopting Resolution 2023-1038 accepting the resignation of Charles Humes from the Planning Commission. Motion passed unanimously.

12. Discussion and or Deliberation and/or Official Action on Resolution 2023-1039

Appointing Amy Damaska to the Planning Commission

Jeff M. stated that Tim Seale, who was recently elected to council, would like to stay on the Planning Commission. No action is needed because Tim's Planning Commission term is not up. Jeff M. also mentioned that Amy Damaska is interested in continuing on the Planning Commission.

Todd made a motion seconded by Jeff K. adopting Resolution 2023-1039 reappointing Amy Damaska to a 4-year term to the Planning Commission. Motion passed unanimously.

13. Discussion and or Deliberation and/or Official Action on Resolution 2023-1040

Appointing James Evans to the Planning Commission

Jeff M. stated that James Evans is interested in continuing on the Planning Commission.

Todd made a motion seconded by Jeff K. adopting Resolution 2023-1039 reappointing James Evans to a 4-year term to the Planning Commission. Motion passed unanimously.

14. Discussion and or Deliberation and/or Official Action on Resolution 2023-_____

Appointing _____ to the Planning Commission

Jeff M. said that there are currently two openings on the Planning Commission. Council directed Jeff M. to continue to advertise the openings. Todd said that the borough needs a better way to advertise what is going on in the borough.

With no candidate, no action was taken on this item.

15. Discussion and or Deliberation and/or Official Action on Resolution 2023-_____

Appointing _____ to the Planning Commission

With no candidate, no action was taken on this item.

16. Discussion and or Deliberation and/or Official Action on Resolution 2023-1041

Appointing Henry "Bud" Moore to the Zoning Hearing Board

Jeff M. stated that Henry “Bud” Moore is interested in continuing on the Zoning Hearing Board.

Todd made a motion seconded by Tom adopting Resolution 2023-1041 reappointing Henry “Bud” Moore to a 3 year term on the Zoning Hearing Board. Motion passed unanimously.

17. Discussion and or Deliberation and/or Official Action to Pay Westmoreland County Transit Authority the 2023-2024 Local Share in the Amount of \$850.50

Todd made a motion seconded by Ray to pay the 2023-2024 Westmoreland County Transit Authority Local Share in the amount of \$850.50. Motion passed unanimously.

18. Discussion and or Deliberation and/or Official Action to Approve the 2022 Borough and Tax Collector Audits

Jeff M. reported that the auditor submitted the 2022 audit to DCED, but the borough has not received a copy yet. He said that he will contact the auditor about having a copy prior to the next meeting.

Todd made a motion seconded by Edwina to table this item. Motion passed unanimously.

19. Discussion and or Deliberation and/or Official Action to Hire Henninger Accounting Services

Jeff M. said that he has not received the proposal yet and would hope to have it for the next meeting.

Todd made a motion seconded by Jeff K. to table consideration of hiring an auditor. Motion passed unanimously.

20. Discussion and or Deliberation and/or Official Action on Robert Stipkovic / Steel City Performance

Alex updated council on this matter. No action was taken.

21. Discussion and or Deliberation and/or Official Action Hiring Mason Casorio a Laborer 2nd Class

Alex said that Jeff M. and John Barnes went through the resumes and conducted several interviews. Jeff M. mentioned that Tom Smith sat in on many of the interviews.

Ray made a motion seconded by Tom to hire Mason Casorio as a Laborer 2nd Class at \$18 an hour pending Mr. Casorio passing all pre-employment clearances. Motion passed unanimously.

22. Discussion and or Deliberation and/or Official Action to Appoint Borough Solicitor for 2024

Todd made a motion seconded by Ray to go into Executive Session at 7:38 PM. Motion passed unanimously.

Todd made a motion seconded by Jeff K. to come out of Executive Session at 7:40 PM. Motion passed unanimously.

Todd made a motion seconded by Jeff K. to appoint the law firm Meyer Darragh Buckler Bebenek & Eck to serve as the borough solicitor in 2024 at \$125 an hour. Motion passed with all voting in favor with the exception of Alex who abstained due to being employed by the Meyer Darragh Buckler Bebenek & Eck.

Alex suggested that we recognize John Campfield for all of his contributions to the borough.

23. Discussion and or Deliberation and/or Official Action to Appoint Steve Eby, Widmer Engineering as Borough Engineer

Edwina made a motion seconded by Tom to appoint Steve Eby of Widmer Engineering for 2024. Motion passed with all voting in favor with the exception of Ray who abstained due to being employed by Widmer Engineering.

24. Discussion and or Deliberation and/or Official Action on Pay Resolutions Setting Salaries and Wages in 2024

- a) Assistant Manager Res. 2023-1042**
- b) Public Works Team Leader Res 2023-1043**
- c) 1st Class Laborer Res 2023-1044**
- d) 2nd Class Laborer Res 2023-1045**
- e) Borough Manager Res 2023-1050**
- f) UCC Inspector Res 2023-1046**
- g) Part-Time Seasonal Park Maintenance Employee Res 2023-1047**
- h) Part-Time Casual Snow Plow Operator Res 2023-1048**
- i) Part-Time Code Enforcement Officer Res 2023-1049**

Jeff K. asked about pay raises. Alex said that they would be 4% for each full time staff member. He stated that this was discussed by the Finance Committee and included in the 2024 budget presented to council.

Todd made a motion seconded by Ray to consider the pay resolutions for the managerial positions (i.e., Assistant Manager, Public Works Team Leader and Borough Manager) separately from the other pay resolutions. Motion passed unanimously.

Todd made a motion seconded by Ray to consider the balance of the pay resolutions except for the Assistant Manager, Public Works Team Leader and Borough Manager as a group. Motion passed unanimously.

Todd made a motion seconded by Ray to adopt Pay Resolution 2023-1042 for the position of Assistant Manager. Motion passed unanimously.

Todd made a motion seconded by Ray to adopt Pay Resolution 2023-1043 for the position of Public Works Team Leader. Motion passed unanimously.

Todd made a motion seconded by Ray to adopt Pay Resolutions: 2023-1044 for the 1st Class Laborer position, 2023-1045 for the 2nd Class Laborer position, 2023-1046 for the UCC Inspector, 2023-1047 for the Part-Time Seasonal Park Maintenance Employee, 2023-1048 for the Part-Time Casual Snow Plow Operator, and 2023-1049 for the Code Enforcement Officer.

Todd made a motion seconded by Jeff K. to go into Executive Session for matters of personnel at 8:05 PM. Motion passed unanimously.

Todd made a motion seconded by Ray to come out of Executive Session at 8:26 PM. Motion passed unanimously.

25. Discussion and or Deliberation and/or Official Action to Correct a Typographical Error in Res. 2023-1013 and 2023-1016

Jeff M. stated that the auditor pointed out that last year's pay resolutions for the Borough Manager and Casual Snow Plow Operator positions had the wrong date in them.

Todd made a motion seconded by Ray to correct the typographical errors found in Resolutions 2023-1013 and 2023-1016. Motion passed unanimously.

Alex suggested going back to agenda item 24.

Todd made a motion seconded by Jeff K. to adopt pay resolution 2023-1050 keeping the current, 2023, terms of employment including the same rate of pay for the Borough Manager. Motion passed unanimously.

26. Discussion and or Deliberation and/or Official Action to Renew Membership in the PA State Association of Boroughs and Membership in the Association of Mayors

Ray made a motion seconded by Todd to renew membership in the PA State Association of Boroughs and in the Association of Mayors. Motion passed unanimously.

27. Discussion and or Deliberation and/or Official Action to Adopt and Advertise the Official 2024 Borough Meeting Calendar

Todd made a motion seconded by Jeff K. to adopt and advertise the 2024 official borough meeting calendar. Motion passed unanimously.

28. Discussion and or Deliberation and/or Official Action Regarding Borough Holiday Hours

There was a discussion about closing down the borough building early on Friday December 22nd and Friday December 29th for the Christmas and New Year holidays. The concern was the possible impact of bad weather on the road crew.

Todd made a motion seconded by Ray to give Jeff M. the authority to close the borough building at Noon on December 22nd and December 29th depending upon the weather. Motion passed unanimously.

29. Discussion and or Deliberation and/or Official Action on Borough Building Safety Measures

After discussion, no motion was made.

Reports

Administrative

Planning Commission's Report

Jeff M. stated that the commission met to discuss the Tzou property consolidation. No meeting is scheduled for December.

Borough Manager's Report

No report.

Code Enforcement Report

Alex referred the council and mayor to Mark's report.

Solicitor's Report

No report.

Engineer's Report

No report.

Fire Department Liaison

Ray reported that the chief's account had a balance of \$11,653.39 and the fire department's checking account expenditures outweighed the income by \$2,732.07 for the month.

Council President

Alex reported that he and Jeff M. attended the multi-municipal exploratory committee in South Greensburg on December 7, 2023. The group has begun drafting operating bylaws and procedures for a council of governments. Alex said that the group seems to have some energy and could be a success.

Mayor

Tom S. mentioned the low attendance at the *Lunch with Santa*. There was a discussion about the need to advertise more. Tom S. said that we need to get more volunteers involved.

Personnel

No report.

Public Works/MS4 & Parks

Tom T. stated that a new cement curb installed at the Taco Bell parking lot appears to be jutting out into the street and could be an issue for borough plow trucks. Tom T. expressed concern about a dumpster on the Highland Avenue.

Community Betterment

Alex expressed his appreciation for the volunteers that helped at the *Lunch with Santa*, including former councilman George Miller.

Workplace Safety Committee

Jeff M. said that he will be scheduling the meeting for December. Ray conveyed to Jeff M. that Trevor would like copies of the safety certificates for the meetings that he attended.

Finance Report

Todd reviewed the financial report: as of November 30, 2023, there was a checking balance of \$993,851.98; the total of all savings accounts was \$853,345.94 and the taxes remitted from November 1, 2023 through November 30, 2023 were \$89,794.89.

Additional Opportunity for Public Comment

No public comment.

Announcements

Alex stated that if necessary, the second meeting of the month will be on December 19, 2023. The first council meeting of 2024 will be on January 2nd at 6 PM. The Zoning Hearing Board and Planning Commission meetings for December are canceled.

Alex thanked Tom T. for his service to New Stanton. He stated that the Theis family has been a part of New Stanton for a long time and has made many contributions to the community. Those in attendance gave Tom T. a round of applause.

Adjournment

Todd made a motion seconded by Edwina to adjourn the meeting at 9:14 PM. Motion passed unanimously.

Respectfully submitted,

Jeffrey McLaughlin
Secretary