

**Borough of New Stanton**  
**Borough Council**  
**New Stanton Council Chambers**  
**September 6, 2022, 6 PM**  
**Minutes of Public Hearing & Regular Council Meeting**

**Attendance**

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

Also in attendance: Borough Solicitor John Campfield, Borough Engineer Steve Eby (Steve arrived at 6:45 PM) and Borough Manager Jeffrey McLaughlin.

**Call to Order**

President Alex Brown called the regular September 6, 2022 council meeting to order at 6:00 PM.

**Pledge of Allegiance**

The Pledge was recited.

**Prayer**

Jeff recited a prayer.

**Approval of Bills**

Linda made a motion seconded by Edwina to approve the bills in the amount of \$38,153.59. Motion passed unanimously.

**Approval of Minutes of the August 2, 2022 Meeting**

George made a motion seconded by Ray to approve the minutes of the August 2, 2022 meeting. Motion passed with all voting in favor with the exception of Edwina who abstained.

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

***Richard Nedrow, 205 Florence Dr.***

Mr. Nedrow made several comments on the PennDOT noise study that he reviewed. The borough recently acquired a copy of the study from PennDOT). Mr. Nedrow said that the study only lasted 10 minutes and it was conducted 10 years ago. He said that the study was conducted on the cars as they went 50 MPH. He mentioned Homer City, a similar sized community to New Stanton located on Route 119. He said that Route 119 has 4 lanes of traffic and they have a noise barrier. He said that I-70 is grooved creating more noise. He encouraged council to look into these items, to read the study and to develop an action plan to make New Stanton quieter.

A letter from Shane Daugherty was included in the councilmember's agenda packet.

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

There were no comments on agenda items.

### **Agenda**

#### **1. Discussion and/or Deliberation and/or Official Action on Payment of Req. #1 for the Arona Road Bridge to Pugliano Construction in the Amount of \$151,423.47**

Alex said that he drove by the site. He said that the bridge is restricted to a single lane. Jeff commended Ray and the rest of council for their diligence in getting this project underway. In Steve's absence, Jeff reported that Steve did tell him that requisition one is to cover the preliminary paperwork associated with the project including the design of the bridge (since the project is design build) and to also cover mobilization.

Tom T. asked about going back to PennDOT District 12 for additional funding. Jeff stated that the PennDOT representative had mentioned about the possibility of providing funding for a bypass road around the bridge, but the contractor is instead replacing the bridge one half at a time. But Jeff said that he would reach out to PennDOT to determine if there is a possibility of additional funding. Ray reported that the box culvert is not there yet, but it will be delivered.

Tom T. made a motion seconded by Ray to pay Pugliano Construction \$151,423.47 out of the Arona Road Bridge Account for Requisition #1. Motion passed unanimously.

#### **2. Discussion and/or Deliberation and/or Official Action on the Traffic Calming Islands at the Intersection of Broadview and Marginal Roads**

Jeff directed council to the photos of the islands, which are located at the intersection of Broadview and Marginal Roads. He said that the idea of the islands has been in place since early on in the project as a traffic calming method. The original specifications called for a tree in the middle of each island. Because of safety and maintenance concerns, it was decided to eliminate the trees. Right now the center of the islands are empty/open with the exception of signs that direct traffic to keep right. Jeff stated that Steve is recommending that council consider asphaltting the middle. Jeff also reported that the developer after consultation with Steve made the entire intersection into a speed hump as another way to calm traffic.

John mentioned the widening and improvements to the road that were stipulated in the developer's agreement.

Tom T. made a motion seconded by Ray to pave the centers of the traffic calming islands. Motion passed unanimously.

#### **3. Discussion and/or Deliberation and/or Official Action on Pay Resolution 2022-1005 Regarding the Hiring of a Code Enforcement Officer Pending Receipt of All Pre-Employment Clearances**

Alex stated that this matter should probably go into executive session to allow council to review the candidate, determine the amount of compensation, etc., so he suggested that the rest of the agenda items be addressed first before addressing this item.

**4. Discussion and/or Deliberation and/or Official Action on Westmoreland County Land Bank**

Jeff stated that he invited Brian Lawrence, the head of the Westmoreland County Redevelopment Authority, which runs the land bank, to the meeting. Brian was unable to attend but stated that he would be available for the October meeting.

Jeff stated that in speaking to Brian he found out that the land bank is essentially a last resort. That they typically only buy properties that go to the judicial sale.

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

**5. Discussion and/or Deliberation and/or Official Action to Amend the Management of LST Funds; Amend the LST Ratio Breakdown for Fire Protection and Emergency Management; Determine Whether LST Money Should be Used to Reimburse the \$1,000 a Month Allocation to the Fire Department; Authorize the Transfer of Funds from the LST Account to Reimburse the General Account for LST-Eligible Expenses**

Alex stated that several years ago council set up a system where 20% of the LST funds are allocated to the fire department 5% to Emergency Management. The law simply requires that 25% is set aside for the fire department and emergency management without specifying sub-percentages. He pointed out that traditionally the borough spends very little on Emergency Management so it would make sense to get rid of the artificial 20% and 5% ratios. The increased flexibility would also allow the borough to respond in the event that there is a need to spend more money on emergency management.

Edwina made a motion seconded by Ray to eliminate the 20% and 5% ratios and to simply go with 25% for fire protection and emergency management which is what state law requires. Motion passed unanimously.

Alex stated that historically some of the LST money has been used to reimburse the general account for the \$1,000 a month allocation that council has agreed to give to the fire department and he asked if this is something council wanted to continue doing. John pointed out that the \$1,000 a month provision was actually put into place before the LST tax existed.

Edwina made a motion seconded by Tom T. to continue reimburse the general account from the LST account for the \$1,000 a month that the borough gives to the fire department. Motion passed unanimously.

There was a discussion about tracking the money in a different way.

Edwina made a motion seconded by Tom T. to establish two income subaccounts in the LST account: into one of the subaccounts, 75% of the money would be deposited and into the other, 25% of the money would be deposited. This would allow for easier tracking. On the expense side, the idea of paying the LST-eligible invoices directly out of the LST account was also discussed as a way to eliminate waiting and periodically reimbursing the general account. Motion passed unanimously.

Jeff distributed a spreadsheet that Anita put together tracking the LST-eligible expenses incurred in the General Account that totaled \$249,376.45 from November 2020 through June 2, 2022.

Edwina made a motion seconded by George to approve the reimbursement of the General Account from the LST Account in the amount of \$249,376.45 for LST-eligible expenses from November 2020 through June 2, 2022. Motion passed with all voting in favor with the exception of Ray who voted *no*.

**6. Discussion and/or Deliberation and/or Official Action Regarding the Adoption of an Ordinance that would Amend the Codification of Ordinances Regarding Signage, Sidewalks, Parking Spaces, the Criteria to Require Traffic Studies and Councilmember Compensation**

Alex stated that as has been discussed at a couple of previous meetings, he is proposing that council review the ordinances so as to foster development and to improve borough responsiveness to businesses and residents. He was seeking council members input on what ordinances they felt would need reviewed some of the ideas include reviewing the ordinances on signage, sidewalks, parking spaces, the criteria to require traffic studies and councilmember compensation. He said that the latter proposed change was suggested by the mayor, who would like to see the compensation to elected officials eliminated. Alex also said that he would want to get an agreement on what ordinances should be amended before going through the time and expense of advertising. He suggested that the Administration Committee review the ordinances in a targeted approach based on council's input.

Tom S. brought up Shane Daugherty's letter. He suggested that we compare the borough's fees to those of other municipalities to see if they are in line. Alex pointed out that boroughs are not able to make a profit fees.

George suggested having the Administration Committee bring back monthly reports that council as to the amendments being proposed.

John suggested contacting General Code and asking for their advice on specific ordinances. Jeff mentioned that General Code has probably 90% of the borough codes online which would be a good source how to word amendments to the borough's ordinances. Jeff mentioned that changing the compensation ordinance depends upon when the council seats are up for election. Alex said that elimination of compensation is eliminated you would not have to wait until the seats are up for election under the PA constitution.

Tom S. stated that the firemen are out all time of the day and night and they are volunteers. Therefore he did not feel that elected officials should be paid.

Alex suggested that changes to the ordinances should be a subject-by-subject approach. Edwina and Tom T. agreed.

Jeff pointed out that in revising the codification, adopting the newest the UCC Building Code should also be considered.

Tom suggested that lighting be added to the areas of the codification that should be reviewed.

Tom made a motion seconded by Edwina that the Administration Committee begin to review the following areas of the codification of ordinances including signage, sidewalks, parking spaces, the criteria to require traffic studies, councilmember compensation, the UCC Building Code and lighting. Motion passed unanimously.

### **Executive Session**

Tom T. made a motion seconded by Edwina to go into Executive Session at 7:14 PM for matters of personnel. Motion passed unanimously.

Edwina made a motion seconded by George to come out of Executive Session at 7:45. Motion passed unanimously.

### **Discussion and/or Deliberation and/or Official Action on Pay Resolution 2022-1005 Regarding the Hiring of a Code Enforcement Officer Pending Receipt of All Pre-Employment Clearances**

George made a motion seconded by Edwina to adopt Pay Resolution 2022-1005 hiring Mark Cypher at \$600 per month on at will basis pending all pre-employment clearances. Motion passed with all those voting in favor with the exception of Ray who voted *no*.

## **Reports**

### **Administrative**

#### **Planning Commission**

No report.

### **Borough Manager**

Jeff reported that:

- Rob Dean from PennDOT will permit a flagpole and the Western Pennsylvania Conservancy breakaway sign in the roundabout dependent upon their review of the final design as per the conditions of the Roundabout Maintenance Agreement. Rob agreed that the *Bump Out*, west of the roundabout is owned by PennDOT. Rob also said that fencing was only installed on one side of the bridge over I-70, because that was PennDOT's policy at the time.
- The e-mail address for councilmembers and the mayor on the borough website has been addressed.
- He was informed by SunCap officials that they have acquired the New Stanton Technology Park property and the 10.24 acres off the Fox's and that they have also filed the subdivision and consolidation plan with Westmoreland County.
- The borough received a thank you from Jennifer Byrnes and the committee that held the UPS/United Way 5K Run/Walk and Car Show. He was contracted by Ms. Byrnes regarding the impact that the SunCap project would have on the Run/Walk. They may need to relocate the event for next year.
- The next Westmoreland County Boroughs Association and the Central Planning District fall on the same evening Thursday, September 22, 2022.

- At the August Central Planning District, the facilitator presented several ways municipalities could work together and asked which of the ideas appealed to those in attendance. The topics included: regional blight, parks/recreation, council of government, regional police, and a Route 30 / Route 119 beautification and regional identity project.
- He e-mailed out to council members the reassessment appeals that were received. He said that the school district typically takes the lead addressing the appeals, but the borough could take a more active role if council wishes. Alex said that as Chairman of the Westmoreland County Tax Assessment Appeal Board he would have to recuse himself from any decisions that council would make on these appeals and he would also have to recuse himself from any decisions that the appeals board makes as well.
- There will be a meeting with Turnpike officials and area borough officials on October 10<sup>th</sup> at 10 AM. The point of the meeting is to share information and bring up topics of interest amongst the parties present. Tom T. asked Jeff to ask why the vehicles entering the turnpike occasionally back up all the way to I-70. Jeff said he also wanted to raise the issue of drainage from the turnpike coming out onto the Northeast drive cul-de-sac.

### **Code Enforcement Report**

Jeff reported that:

- He attended a 4th hearing with the magistrate regarding 366 Arona Road on September 1, 2022. He stated that the property is much cleaner and the Magistrate will be scheduling a 5<sup>th</sup> and hopefully final hearing at the beginning of December.
- A little progress has been made on 106 N. Center Avenue, but at this point a Notice of Violation will be issued.
- The porch roof on the garage at 261 Arona Road has been removed.
- He met with the homeowner at 300 Arona Road in response to a complaint. There is an accumulation of junk on the property and 4 unregistered vehicles. He told the owner that he needed to clean up the site and to get the vehicles inspected.
- He received a complaint about the glare from a light fixture at 108 E. Byers Avenue in which the light bulb was recently replaced. He asked the owner if they could have the light pointed downward into their parking lot. They agreed.

### **Solicitor's Report**

John reported that the resolutions passed to date for the SunCap project all had conditions. He suggested that after all of the conditions are met that a final resolution be passed, hopefully this would take place at the October meeting.

### **Engineer's Report**

There was a discussion regarding the Arona Road Bridge and the islands on Broadview Road.

### **Fire Department Liaison**

Ray reported that Rob also sits on the Mutual Aid board. Ray reported that the balance in the NSVFD General Account is \$85,440.

### **Council President**

Alex reported that along with himself, Edwina and Tom S. attended the Central Planning District meeting in S. Greensburg. He said that by the October meeting there might be an intergovernmental activity that might be proposed which would be brought to council for consideration.

### **Mayor**

Tom S. said that he followed-up with a representative of the Youngwood Recreation Board that said that they have approximately 90 children in the entire baseball and softball program and typically at a certain age the children join travel teams.

He expressed concern about the topic of the Safety Committee meeting as well as the cost associated with the staff attending the meetings.

He brought up the hours for Trick-or-Treat. After discussion, it was decided that the hours should be 6-8 PM on Monday, October 31, 2022 and that there would be no treat bag distribution.

Council also agreed that Veterans' Day should be from 11 AM – 1 PM on Friday, November 11 at the fire hall with the program running until Noon and lunch from Noon until 1 PM. Community Betterment will coordinate.

### **Administration**

Alex said that he and George talked about the possible amendment of ordinances which was discussed in agenda item #6.

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

Tom T. read the monthly report from John Barnes. Jeff reported that the Public Works crew will begin crack sealing later in September and he said that he asked Tom S. if in his trips to the park, if he could check the condition of the trees. Jeff said hopefully the Public Works crew would be able to address some of the trees in poor condition. Tom T. asked about getting rid the branches. Jeff said we may be able to borrow Youngwood's chipper.

### **Community Betterment**

Linda and Jeff discussed some of the steps to plan the Veterans Day event. Tom T. brought up about the police activity that has been in the area recently.

### **Workplace Safety Committee**

Jeff reported that the committee met in August and that he provided a list of committee topics to the staff to see which they feel would be most beneficial. Jeff registered for the selected meeting which will be later in the month.

**Personnel**

Alex said that the committee would be interviewing the code enforcement candidate.

**Finance Report**

Alex said that the Budget Committee meetings will be coming up. Jeff stated that the meetings have been advertised for all Tuesdays in October.

Alex reviewed the financial report: as of August 31, 2022, there was a checking balance of \$585,740.83; the total of all savings accounts was \$1,620,823.50 and the taxes remitted from July 26, 2022 through August 31, 2022 was \$95,160.57.

**Personnel**

Alex reported on Mark Cypher's interview.

**Additional Opportunity for Public Comment**

There was no additional public comment.

**Announcements**

Alex said that the second meeting for September has been advertised for the 20<sup>th</sup> but he does not envision needing to hold it so most likely the next meeting will be on October 4, 2022. He said that there is no Planning or Zoning meeting in September.

**Adjournment**

Edwina made a motion seconded by Tom T. to adjourn the meeting at 8:39 PM. There were no objections.

Respectfully submitted,

Jeffrey McLaughlin  
Secretary