

BOROUGH OF VANDERGRIFT

MINUTES OF THE VANDERGRIFT COUNCIL MEETING

August 1, 2022

The Council of the Borough met in the Council Chambers of the Municipal Building at 7:00 pm, with President Chvala presiding. The Pledge of Allegiance to the Flag was recited.

MEMBERS PRESENT:

Jody Sarno	Tom Holmes
Christine Wilson	Daisha Clayton
Marilee Kessler	Kathleen Chvala
John Uskuriatis	

OTHER OFFICIALS:

Lenny Collini, Mayor	Stephen DelleDonne, Secretary
Larry Loperfito, Solicitor	Theresa Geltz, Asst. Secretary
Lucian Bove, Engineer	Joseph Caporali, Police Chief

MINUTES:

Mr. Sarno stated that he voted no regarding the adoption of Ordinance No. 6-2022. The Secretary stated that he did hear his "no" vote.

The Minutes of the July 5, 2022 meeting were approved by motion of Mr. Holmes, second by Mrs. Kessler. Motion carried.

VISITORS:

A motion was made by Mr. Holmes, second by Ms. Clayton, to hear from visitors at this time. Motion carried.

Emily Palmsano, 416 Emerson Street, stated that she received a letter from the Code Officer regarding dog waste. She stated can't understand why she got this letter when the Code Officer never responded to her complaint regarding the property at 414 Emerson Street.

Don Detar, 213 Lowell Street, addressed Council in regards a need to resolve the skunk problem in his area. He also stated that something needs to be done regarding people putting their garbage days prior to pickup. Also, he stated that there is a rooster at-large in the neighborhood.

Jim Williams, 126 Oregon Avenue, also addressed the need to stop people from putting out their garbage, in bags, prior to pickup. He stated that the police need to enforce this matter and start issuing tickets while they patrol town.

Tammy Domiano, 109 Lowell Street, again addressed the issue with her neighbor's tree hanging over on to her property, of which, caused her husband to incur an injury from the wet leaves on her sidewalk. She stated that nothing to date has been done to correct this problem and that she will take whateve action is needed to resolve this matter.

Mrs. Domiano stated that the trees in the Borough can be classified as vegetation, the same as grass, etc., of which can be enforced by the Borough. (See pages 2-A & 2-B)

Solicitor Loperfido stated that he is not familiar with this matter, and will take this under advisement.

Tim Gourley, 159 Grant Avenue, requested permission to close Grant Avenue, from Columbia Avenue to Sumner Avenue, on October 15, 2022 for the "Witching Hours Night Market". (See page 2-C).

Karene West, 400 4<sup>th</sup> Avenue, New Kensington, commended the Borough for a successful Art Festival Event.

Christine Sallade, 116 West Adams, stated that the vacant property at 114 West Adams is overgrown with high grass and shrubs. She also stated that she called 911 to have the police come to Davis Field regarding kids running all through the stadium area. She stated that the police never showed up.

Debbie Pugliese, 505 ½ Linden Street, complained about the property located at 411 Linden Street. She stated that it is also overgrown with grass and weeds.

John Michelle, 328 Walnut Street, requesting something to be done about tractor trailers coming up Linden Street to delivery product to Donghia Lumber and causing damage to his property in an attempt to make the turn on to Walnut Street. He stated that the newly erected signs to prevent them coming up Linden are not helping.

Mr. Holmes stated that he requested Representative Jason Silvis to contact PennDot to make adjustments to the GPS system to correct this problem.

## Vandergrift Borough Code 356-2

Grass, weeds, and certain other vegetation prohibited nuisance under certain conditions. No person owning or occupying any property within Vandergrift Borough shall permit grass/weeds or any vegetation whatsoever not edible or planted for a useful or ornamental purpose to grow or remain upon such premises so as to exceed a height of 6' or to throw of any unpleasant or noxious odor or to conceal any filthy deposit or to create or produce pollen. Any grass, weeds or other vegetation growing upon any premise in the Borough in violation of this section is hereby declared to be a nuisance and detrimental to the health safety and cleanliness and comfort of the inhabitants of the Borough.

Definition of vegetation – Trees, shrubs, nursery stock and other vegetation and includes limbs or growth of any vegetation.

These trees are over 30 feet high, they are not maintained only one time by order of the magistrate many years ago. They do not have an ornamental purpose and they are over 6' of height. They are causing health safety to my property by their debris clogging the gutter and downspout which is illegal runoff on my property. Christine, Mr. Bove, and Brian are aware of this situation as they were at my house several times. Brian and my husband Rich determined what the problem was. It has not been resolved.

The State says a landowner is held to a duty of common reasonable prudence in maintaining shrubs, trees on their own property so as to prevent injury to others or to property of another.

This is intentional or reckless, negligent reckless or in the course of an abnormally dangerous activity when there are legal remedies.

Vandergrift Borough Code 356-4

Authority for the Borough to remove trim or cut at the expense of owner of occupant. The Borough Council or any officer or employee of the Borough designated thereby for the purpose is hereby authorized to give notice by personal service or by US Mail to the owner/occupant as the case may be of any premises where on grass, weeds, or other vegetation is growing or remaining in violation of the provision of 356-2 of this article directing and requiring such owner or occupant to remove, trim, or cut such grass, weeds or other vegetation so as to conform to the requirements of this article within 5 days after issuance of such notice. In case any owner or occupant shall neglect, fail, or refuse to comply with such notice within a period of time stated thereon, borough authorities may remove, trim, or cut such grass or other vegetation and the cost of such work with an additional amount of 10% may be collected by the borough from such owner or occupant in the manner provided by law.

In 1975, Pa, Superior Court declared that the owner of land in or adjacent to a developed or residential area is liable for damage caused by a tree on their property if they knew or should have known that a defect in the tree posed an unreasonable danger to persons or property outside their land and the damage occurred as a result of their failure to remedy the dangerous defect. The court articulated a two-part duty of reasonable care on the property owners to learn of defective condition in their trees and 2 remedy the condition by treating or removing the tree or otherwise acting to remedy the danger posed by the condition Pa Courts have held that this require owners to visually inspect the tree. Owners may have to take additional steps to learn of any defective conditions. The duty to address a defect entails whatever is sufficient under the circumstance to address the danger posed by the defect. In practice property owners should periodically perform visual inspections of trees on their property large enough to cause damage to other properties. In addition common law duty described, Pennsylvania property owners may face municipal regulation concerning the cutting or removal of trees. For example all First class townships and Second class townships have the express authority to require property owners to trim or remove trees diseased or otherwise if the trees could obstruct use of public roads or public property or otherwise effect public health, safety, or welfare.'

Contact your city, most cities have rules regarding objects on someones property that could be deemed dangerous. A tree that extends over your home and yard could be considered a hazard and you have a right to report it to your city. The city could make your neighbor pay a fine if they fail to remove the tree.

Tresspass theory – seek equitable relief compelling the trespassing neighbor to remove the trees to the extent of the encroachment and seek appropriate incidental and consequential damages.

J.C

July 28, 2022

To the Vandergrift Borough Council:

We are requesting permission to use Grant Avenue on October 15, 2022 for The Witching Hours Night Market. The market is being organized by local business owners Shannon Gourley (Honey and Heart Candle Co.), Lisa Brunermer (Full Circle Furniture and Gifts, and Aleesha Kelly (Convergence Studios) with guidance from members of the VIP and an organization committee of over 20 residents.

The market will run from 5-9pm with a setup time of 3pm. There will be vendors and food trucks in the street as well as in the Vandergrift Market building. This a Halloween themed event with vendors all falling into this category. We are requesting permission to close the street from where Grant meets Columbia to Sumner.

We will obtain all necessary insurance required for the event and provide a copy of the insurance to the borough upon preliminary council approval.

There is a lot of interest in this event which will benefit the town and the small businesses in the town. Proceeds from the event are going to a fund to purchase commercial grade string lights for the business district.

Thank you for your consideration and cooperation on this matter.

Sincerely,

The Witching Hours Night Market Planning Committee

President Chvala stated that Council will take a look at this situation.

Betsy Fusillo, 501 Linden Street, questioned if port-a-johns could be placed in the parks. She stated that the kids are just peeing in the alley.

Mr. Uskuraitis stated that the kids would probably upset them.

Monte Wright, 107 8<sup>th</sup> Street, requested the Borough to address the conditions of 111, 115, 117, & 121 on 8<sup>th</sup> Street, of which all are vacant. He stated that Council needs to come up with a solution to address the blight problems in town. He also stated that we all need to work together on this matter.

Lynette Burrows, 271 Sherman Avenue, thanked the Chief and police officers for addressing a vandalism problem. She also thanked the Borough Engineer regarding his assistance in providing off-street parking on Sherman Avenue.

Ms. Burrows also questioned where are the wooden ramps at the skate park at Kennedy Park.

Mr. Uskuraitis stated that they were moved to the Borough maintenance building due to their bad condition.

A motion was made by Mr. Holmes, second by Mrs. Wilson, to return to the regular order of business. Motion carried.

#### MAYOR'S REPORT:

Mayor Collini stated that he concurs with Mr. Wright's statements regarding time for all of us to come together and take pride in our town. He thanked those involved in making the Arts Festival a great success.

A motion was made by Mrs. Wilson, second by Mr. Sarno, to accept the Mayor's Report. Motion carried.

#### SECRETARY'S REPORT:

The Secretary informed Council that the Westmoreland County Planning Department is accepting applications for the 2023 Community Development Block Grant. (See page 3-A)

The Secretary distributed 2023 Budget Proposal Requests to all committee chairpersons.

A motion was made by Mr. Holmes, second by Mr. Sarno, to accept the Secretary's Report. Motion carried.

Douglas W. Chew  
Vice-Chairman

Sean Kertes  
Chairman

3-1  
Gina Cerilli Thrasher, Esq.  
Secretary

DEPARTMENT OF  
PLANNING AND DEVELOPMENT  
A DIVISION OF THE  
WESTMORELAND DEVELOPMENT  
COUNCIL  
FIFTH FLOOR, SUITE 520  
40 NORTH PENNSYLVANIA AVENUE  
GREENSBURG, PA 15601



TELEPHONE: (724) 830-3600  
FAX: (724) 830-3611  
TDD: (724) 830-3802

**TO:** Westmoreland County Municipalities and Agencies

**FROM:** Westmoreland County Department of Planning & Development  
Community Development Division

**SUBJECT:** 2023 Community Development Block Grant (CDBG) Applications

**DATE:** July 1, 2022

Westmoreland County is now accepting applications for the 2023 Community Development Block Grant (CDBG) Program. Any municipality or agency that plans to submit a project for 2023 CDBG funding consideration must submit an application to this office by **September 30, 2022**. The 2023 program year begins May 1, 2023, however all projects must first be evaluated and inspected by CD staff, approved by the Westmoreland County Commissioners and submitted to the U.S. Department of Housing and Urban Development for final approval. **Therefore, it is essential that the application is submitted to us no later than September 30, 2022.**

Prior to submittal, please review the application carefully to ensure that all requested information is included. Incomplete applications will not be considered. If a project was previously submitted and not chosen for funding, a new application must be submitted that contains updated cost estimates, maps, etc. to be considered for 2023 funding. Furthermore, please be aware that HUD has released new low and moderate income survey data based on the American Community Survey 2011-2015 (ACS). A map of all census tracts/block groups is available at <https://bit.ly/2RGTeEb>. Please review your census tract data carefully, as it may have changed from the last 5-year ACS estimate.

A copy of the 2023 Application is included with this notice. The application, as well as the *Guide to the CDBG Program*, may also be found at <http://www.co.westmoreland.pa.us/689/Community-Development> under "Forms & Documents".

Should you have questions concerning this notice, please contact any Community Development staff member:

Janet Thomas	(724) 830-3650	jthomas@co.westmoreland.pa.us
Jennifer Woodling	(724) 830-3615	jwoodlin@co.westmoreland.pa.us
Amanda McDivitt	(724) 830-3651	amcdivit@co.westmoreland.pa.us

Thank you.

CODE OFFICER'S REPORT:

The Secretary stated that during the month of July, the Code Officer issued 36 notice violations and 2 citations.

A motion was made by Mr. Holmes, second by Mr. Uskuraitis, to accept the Code Officer' Report. Motion carried.

COMMUNICATIONS & CORRESPONDENCE:

None

REGULAR AND STATED BILLS:

A motion was made by Mr. Holmes, second by Mrs. Kessler, to pay all stated and approved bills. Motion carried.

STREET & SANITATION REPORT:

Chairperson Wilson requested approval of the hiring two full-time positions of labor to the Steet & Sanitation Department: Seth VanHorn and Ross Mensak.

A motion was made by Mrs. Wilson, second by Mr. Holmes, to hire Seth VanHorn to the aforementioned employment positions in the Street & Sanitation Department. Motion carried.

A motion was made by Mrs. Wilson, second by Mr. Holmes, to hire Ross Mensak to the aforementioned employment position in the Street & Sanitation Department. Motion carried.

Mrs. Wilson informed Council that Jade Bothell, a part-time labor, has quit.

Mrs. Wilson requested approval to hire Jonathan Roberts to the position of part-time labor.

A motion was made by Mrs. Wilson, second by Mr. Holmes, to hire Jonathan Roberts to the aforementioned employment position. Motion carried.

Mrs. Wilson stated that she will be requesting three bid proposals to repair the catch problem at 37<sup>th</sup> Street.

Mrs. Wilson stated that Cooper Street, between Whittier & 29<sup>th</sup>, road is heaving up, and that the same condition exists on Irving Street, between Longfellow & Walnut.

Mrs. Wilson requested an executive session of Council to discuss a personnel matter.



A motion was made by Mr. Uskuraitis, second by Mr. Holmes, to accept the Street & Sanitation Report. Motion carried.

ENGINEER'S REPORT:

Chelsea Walker, Westmoreland County Conservation District, addressed Council in regards to executing an agreement between the Borough, PennDot and the Westmoreland Conservation District relative to the mitigation project at the Columbia Avenue. She state that the project include in providing a few rain gardens, pervious paving and the paving of most of the parking lot.

A motion was made by Mr. Holmes, second by Mr. Sarno, to execute that aforementioned agreement between the three parties, subject to review of the Borough Solicitor. Motion carried.

Ms. Walker stated that a signing resolution will also need to be provided.

Solicitor Loperfito stated that the signing the resolution will be designated as Resolution No. 7-2022.

A motion was made by Mr. Holmes, second by Mr.Uskuraitis,to adopt Resolution No. 7-2022. Motion carried.

Engineer Bove requested that action be taken on the following matters:

1. 2022 CDBG Street Project.

- a. A motion was made by Mr. Holmes, second by Mr.Uskuraitis, to approve Adjusted Change Order- Decrease \$3,683.16.
- b. A motion was made by Mr. Holmes, second by Ms. Clayton, to approve the County Payment Estimate Request No. 2-\$7,171,33. Motion carried.

2. Casino Theater & Library Project.

- a. A motion was made by Mr. Uskuraitis, second by Mr. Holmes, to approve Change Order #3-Decrease to \$3,240.50. Motion carried.
- b. A motion was made by Mr. Holmes, second by Mr.Uskuraitis, to approve final payment of \$31,641.29 to Fuller Building Group. Motion carried.

Engineer Bove stated that the 2022 Street Paving Project using Liquid Fuel Funds regarding First Street and Oak Street has been accepted by the low bidder, West Penn Paving, LLC, in the amount of \$26,905.00.

A motion was made by Mrs. Wilson, second by Mr. Holmes, to award the aforementioned street project to West Penn Paving, LLC, the low bidder at \$26,905.00 using Liquid Fuel Funds. Motion carried.

Engineer Bove stated that the Borough has received the first payment regarding the Timber Sale Agreement.

Engineer Bove informed Council that he has contacted PennDot to fix Sherman Avenue and Longfellow Extension.

Engineer Bove stated that he will need a list of streets to include in the 2023 application for DCBG funds.

Engineer Bove stated that he sent a letter to DEP regarding a septic complaint at 809 LaBelle Vue Road.

Engineer Bove stated that Spaniel Beer Distributor desires to erect a ramp out in front of their building.

In regards to the structures at 122 Franklin Avenue and 1013 Poe Street, a motion was made by Mr. Holmes, second by Mr. Uskuraitis, to authorize the Borough Engineer to move forward with obtaining a right of entry to these properties and to seek funding from the County. Motion carried.

A motion was made by Mr. Holmes, second by Mr. Uskuraitis, to accept the Engineer's Report. Motion carried.

#### BUDGET & FINANCE REPORT:

Chairperson Clayton stated that copies of the General Fund, Pool Fund, and State Aid Fund budgets have been provided to each member of Council.

A motion was made by Mr. Holmes, second by Mr. Uskuraitis, to accept the Budget & Finance Report. Motion carried.

#### POLICE & PUBLIC SAFETY REPORT:

Chairperson Holmes stated that Wayne Hamilton, 207 Lowell Street, has submitted a Persons With Disability Parking Place Application and that he does meet the criteria set forth in the ordinance.

A motion was made by Mr. Holmes, second by Mrs. Kessler, to approve the aforementioned handicap parking place application. Motion carried.

Chief Caporali provided the following activity of the Vandergrift Police for the month of July:

1. Responded to 302 calls.
2. Issued 23 traffic citations.
3. Issued 5 non-traffic citations.

4. Handled 7 individual arrests.
5. Issued 9 illegal parking tickets.

A motion was made by Mr. Sarno, second by Mr. Uskuraitis, to accept the Police & Public Safety Report. Motion carried.

#### BUILDING & GROUNDS REPORT:

Chairperson Sarno stated he and his son repainted the sign at the entrance at the Police Station door.

Mr. Sarno stated that the Girl Scouts have been doing some painting work at Kennedy Park.

Mr. Sarno reported that he had the fire escapt steps at the No. 1 Fire Department and repairs will be made and painted.

A motion was made by Mrs. Wilson, second by Mr. Holmes, to accept the Building & Grounds Report. Motion carried.

#### TREE & LIGHT REPORT:

Chairperson Kessler stated that a day rate to trim & remove trees is more economical than single tree pricing.

Mrs. Wilson objected to this method, stating that obtaining bid quotation from a number of contractors is the better.

Mrs. Kessler reported that work was done on removing the dead branches on Columbia Avenue. She also stated that the work on the trees on Washington Avenue will be put out for bids.

Mrs. Kesslerl stated tht the Conservation Tree Vitalization Program may provid funding for the removal and/or tree replacements.

A motion was made by Mr. Holmes, second by Mr. Sarno, to accept the Tree & Light Report. Motion carried.

#### GENERAL GOVERNMENT REPORT:

No Report

#### RECREATION REPORT:

Chairperson Uskuraitis thanked Ramsey's Barber Shop and A & A Carpert for providing the funds to purchase a shed at the basketball courts. He stated that he will get power to the shed from Davis Field.

A motion was made by Mr. Sarno, second by Mr. Holmes, to accept the Recreation Report. Motion carried.

SOLICITOR'S REPORT:

Solicitor Loperfito presented Resolution No. 6-2022 for adoption, of which, will authorize the Borough to participate in the Alle-Kiski Intergovernmental Council. (See page 8-A)

A motion was made by Mr. Uskuraitis, second by Mr. Sarno, to adopt Resolution No. 6-2022. Motion carried.

Mr. Sarno stated that he would like to serve as a delegate to this Council.

A motion was made by Mr. Holmes, second by Ms. Clayton, name Mr.Sarno as the Borough's delegate to the Alle-Kiski Intergovernmental Council and to name Mrs. Kessler as an alternate delegate. Motion carried.

Solicitor Loperfito presented a Mutual Aid Agreement between the Borough of Vandergrift and Hyde Park Borough.

A motion was made by Mr. Holmes, second by Mr. Uskuraitis, to enter into the aforementioned agreement. Motion carried.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

A motion was made by Mr. Uskuraitis, second by Mr. Sarno, to approve the "Witching Hour Nighmire event from 5:00 to 9:00 pm October 15, 2022. Motion carried.

Mrs. Kessler requested that Council consider a bulk mailing to all residents of the new ordinance that stated the Borough will no longer collect certain items.

The Secretary stated that the cost of a bulk mailing of this ordinance to approximately 2100 residents would be \$1260.00.

**RESOLUTION 6 OF 2022**

**A RESOLUTION OF THE BOROUGH OF VANDERGRIFT, COUNTY OF WESTMORELAND AND COMMONWEALTH OF PENNSYLVANIA TO PARTICIPATE IN THE ALLE-KISKI INTERGOVERNMENTAL COUNCIL**

**WHEREAS**, the municipalities of the Alle-Kiski Planning District have participated in a facilitated process regarding implementation of *Reimagining Our Westmoreland*;

**WHEREAS**, a principal objective through that process is to conduct intergovernmental activities through intergovernmental cooperation and the share of services;

**WHEREAS**, the municipalities of the Alle-Kiski Planning District are committed to establishing an intergovernmental cooperation organization to achieve ongoing intergovernmental activities through cooperation and the sharing of services;

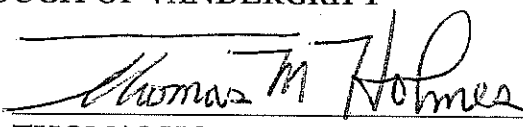
**WHEREAS**, the municipalities of the Alle-Kiski Planning District intend to formally establish an intergovernmental council for the purpose of conducting joint consideration, planning, and implementation of intergovernmental services;

**WHEREAS**, the Westmoreland County Planning Division has offered to assist the Intergovernmental Council with initial administrative support;


**NOW THEREFORE, BE IT RESOLVED**, that we, the Borough of Vandergrift, effective immediately upon approval of this Resolution by the Council of the Borough of Vandergrift, will collaborate with the other municipalities to establish the Alle-Kiski Intergovernmental Council, adopt the bylaws and approved dues structure, and actively participate in the Intergovernmental Council.

**IN WITNESS WHEREOF**, I affix my hand and seal of the Borough of Vandergrift, this 1<sup>st</sup> day of August, 2022.

**BOROUGH OF VANDERGRIFT**

By:   
**THOMAS HOLMES, Vice-President**

ATTEST:

 (SEAL)  
**STEPHEN J. DELLEDONNE**  
Borough Secretary

At 9:00 pm, a motion was made by Mr. Holmes, second by Mr. Uskuraitis, to hold an executive session of Council for the purpose of discussing a personnel matter. Motion carried.

At 9:10 pm, a motion was made by Mr. Uskuraitis, second by Mr. Holmes, to return to the regular order of business and to state that no action of Council was taken during the executive session. Motion carried.

A motion was made by Mr. Holmes, second by Mr.Uskuraitis, to terminate the employed of David Walter, a part-time employee at the Street & Sanitation Department, effective immediately. Motion carried.

ADJOURNMENT:

A motion was made by Mr.Holmes, second by Mr. Uskuraitis, to adjourn the meeting. Motion carried.

The meeting was adjourned at 9:12 pm.