

BOROUGH OF VANDERGRIFT

MINUTES OF THE VANDERGRIFT COUNCIL MEETING

December 5, 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 | John Uskuraitis |
| Kathleen Chvala | |

OTHER OFFICIALS:

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

MINUTES:

The Minutes of the September 6, 2022 meeting were approved by motion of Mr. Uskuraitis, second by Mr. Holmes. Motion carried.

VISITORS:

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

Lisa Gonzalis, 1061 Poe Street, addressed Council about concerns about the property located at 1013 Poe Street. She stated that the roof and porch is caving falling in and this property needs to be addressed. She also stated that the tree on said property needs to be cut down.

Mrs. Wilson stated that the Borough needs to obtain a right-of-entry signed by the owner to permit the Borough access.

Ursula Clark, 916 Holland Street, requested Council to install a traffic mirror at the intersection of Holland and 37th Streets.

Mrs. Wilson stated that there may be a problem due to Holland Street being a state highway and getting permission.

Don Detar, 213 Lowell Street, requested that the Street Department, when plowing his street, plow the opposite of his side.

Mrs. Wilson stated that she would look into this request.

Mr. Detar questioned if any citation have been issued for residents putting their trash out days before.

John Michell, 328 Walnut Street, questioned the status on trucks coming up Linden from the BiPass.

Chief Caporali stated the violators have been issued citations.

Solicitor Loperfito stated the he is working on an updated ordinance.

Mr. Michell questioned if anything will be done about the sidewalk damage left by the gas company doing work in this area.

Mr. Holmes stated that the gas company will make the proper restoration at a latter date.

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

MAYOR'S REPORT:

Mayor Collini expressed his appreciation and gratitude for the "Light Up Night" by the V.I.P and the "Christmas Extravaganza" by Dennise Lewandowski. He stated that the parade was a success which brought a large crowd to town.

Mayor Collini thanked the resident for their cooperation during the aforementioned events.

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

SECRETARY'S REPORT:

No Report

CODE OFFICER'S REPORT:

No Report

COMMUNICATION & CORRESPONDENCE:

None

STREET & SANITATION REPORT:

Chairperson Wilson reported that Paul Maynard was hired as a part-time employee for the Street & Sanitation Department.

Mrs. Wilson requested Council's approval to advertise the sale of F350 Dump truck on Muncibid.

A motion was made by Mr. Holmes, second by Ms. Clayton, to approve the aforementioned request. Motion carried.

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

ENGINEER'S REPORT:

Engineer Bove stated that members have been given a summary report of the month of November. (See page 3-A)

Mr. Uskuraitis responded to item No. 6, stating there is large tear in the pool liner near the diving board that needs to be addressed.

Mrs. Wilson question if there was any news from the Westmoreland County Planning Department regarding the 2023 CDNG Street Projects.

Engineer Bove stated that he has not received anything to date.

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

Engineer agenda items

To Stephen DelleDonne <vgborosec@comcast.net> • kathychvala@vandergriftborough.com Copy
 Larry Loperfido <ldl@gllawyers.com> • Christine Wilson <christinewilson1782@gmail.com> •
 Tom Holmes <tomholmes@vandergriftborough.com> •
 Marilee Kessler <marileekessler@vandergriftborough.com> •
 Daishaclayton <daishaclayton@vandergriftborough.com> • johnuskuraitis@vandergriftborough.com •
 jodyсарно@vandergriftborough.com • Anthony Bove <aboveengineering@comcast.net>

Ladies and Gentlemen,

My requested agenda items for the December 5th Council meeting are as follows:

1. 2022 Street Paving & Patching Project – Reviewed the waiver, submitted it to West Penn Paving for signature and forwarded signed waiver to Solicitor.
2. Arizona Avenue Weight Limit – Reviewed correspondence from Solicitor.
3. 2023 CDBG Application Income Surveys – Printed maps, prepared Summary of Surveys for the County, hand delivered surveys, revised summary for additional surveys from Maryland and emailed to County. Michigan, Pennsylvania, Indiana, California & Maryland look good. The additional surveys on Maryland made the difference. Arizona does not qualify. Florida and Virginia do not have enough surveys, but even with more, still may not qualify.
4. Driveway Permits – 131 East Adams sight distance. The required sight distance to the right can be gained by prohibiting on-street parking in front of the property, however, the required sight distance to the left is blocked by on-street parking in front of the adjacent First Baptist Church property. Alternatives include eliminating on-street parking in front of the Church property (which we cannot recommend), recommending that they locate the driveway in the back of the property off of 15th Street (alley), or denying the permit. Note that this property already has a garage in the back of the property off of the alley. See attachment labeled SD Left and Right.
5. Project 70 Timber Harvest – Herbicide application completed. Timbering authorized to start as of Monday November 21st.
6. Vandergrift Pool – Liner top attachment problem photographs and correspondence sent to Renosys to ascertain the cause(s) and the resolution.
7. Street Excavation Permits – Peoples Gas Company has advised of an Emergency Project on the 100 Block of Emerson Street. See attached message and maps. I have requested information regarding the temporary restoration of the street and sidewalks especially due to the adverse effects on winter maintenance of streets by the Borough and sidewalks by the property owners. (see attached email)
8. 704 & 706 Holland Avenue – Follow up inspection and photos and prepared 10-day notice for repair schedule mailed and emailed November 22nd. See attached notice.

I will be available during the meeting to answer any questions. I will also be glad to assist with items duly added to the agenda during the meeting, emergencies and other items as allowed by Act 65 of 2021.

If anyone has any questions, please feel free to contact me. Thank you.

Sincerely,
Lucien Bove, PE
Bove Engineering Company

BUDGET & FINANCE REPORT:

Chairperson Clayton stated that the proposed budget for 2023 is ready for adoption.

A motion was made by Mr. Holmes, second by Mr. Uskuraitis, to adopt the 2023 budget of the Borough of Vandergrift. Motion carried with Mr. Sarno opposing.

Following a discussion regarding the proposed rate increase of the refuse fees, a motion was made by Mr. Holmes, second by Mr. Uskuraitis, to rescind his motion to adopt the 2023 Budget of the Vandergrift Borough. Motion carried.

Solicior Loperfrito recommended that Council recess the meeting to a latter date in order to have a appropriate rate increase for the refuse fees and to adopt the 2023 Budget.

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

POLICE & PUBLIC SAFETY REPORT:

Chairperson Holmes requested Council to approve the advertisement of the old Crown Vic Police Car on MunciBid.

A motion was made by Mrs. Wilson, second by Ms. Clayton to approve the aforementioned request. Motion carried.

Mr. Holmes stated that Kathleen Chvala, 222 Emerson Street, has submitted a Persons With Disability Parking Place Application. He stated that Mrs. Chvala's physician as indicated that she meets the criteria set forth in the ordinance and that suitable off street parking is not available.

A motion was made by Mr. Holmes, second to approve the aforementioned matter. Motion carried with Mrs. Chvala abstaining.

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

BUILDING & GROUNDS REPORT:

Chairperson Sarno reported that the US Flag on Cooper Street and one at Kennedy Park have been taken down. He stated that the large flag on Cooper Street was donated by an unanimous individual. He also stated that he will need help putting up the flag on Cooper Street.

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

TREE & LIGHT REPORT:

A motion was made by Mr. Holmes, second by Mr. Sarno, to amend the agenda to permit Mrs. Kessler an opportunity to address a tree issue. Motion carried.

Chairperson Kessler reported on a tree problem along the Project 70 property. She stated that a Borough tree has fallen on to an abutting residence's fence and that she is having a tree contractor assess this problem.

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

GENERAL GOVERNMENT REPORT:

President Chvala stated that for the past three years, some members of the Vandergrift Council and certain members of the Vandergrift Police have been under a lawsuit by a former council person. She stated that the suit has now been dismissed, with prejudice, as of October 12, 2022.

President Chvala also thanked those involved regarding the recent activities in town, especially Julia Martin and Denise Lewandowski.

A motion was made by Mr. Holmes, second by Mr. Uskuraitis, to accept the General Government Report. Motion carried.

RECREATION REPORT:

None

SOLICITOR'S REPORT:

Solicitor Loperfido presented for Council's approval, and to advertise, the notice of the regular scheduled monthly meetings of the Vandergrift Council for the year 2023. (See page 5-A)

A motion was made by Mr. Holmes, second by Ms. Clayton, to approve the aforementioned matter. Motion carried.

Solicitor Loperfido presented for Council's approval, and to advertise, the notice of the regular scheduled monthly meetings of the Vandergrift Planning Commission for the year 2023. (See page 5-B)

A motion was made by Mr. Holmes, second by Mr. Uskuraitis, to approve the aforementioned matter. Motion carried.

**NOTICE OF REGULAR MEETINGS OF THE
COUNCIL FOR THE BOROUGH OF VANDERGRIFT FOR
CALENDAR YEAR 2023**

NOTICE in compliance with the Sunshine Act (Act of October 15, 1998 P.L. 729 No. 93), as amended by the Commonwealth of Pennsylvania, it is hereby given that the regular monthly meetings of the Council of the Borough of Vandergrift, for calendar year 2023 will be held in the Council Room of the Municipal Building, 109 Grant Avenue, Vandergrift, Pennsylvania beginning at 7:00 P.M., prevailing time, on the following dates:

January 3, 2023 (Tuesday)
February 6, 2023
March 6, 2023
April 3, 2023
May 1, 2023
June 5, 2023
July 3, 2023
August 7, 2023
September 5, 2023 (Tuesday)
October 2, 2023
November 6, 2023
December 1, 2023

Stephen J. DelleDonne,
Borough Secretary

**NOTICE OF REGULAR MEETINGS OF THE
PLANNING COMMISSION FOR THE BOROUGH OF
VANDERGRIFT FOR CALENDAR YEAR 2023**

PURSUANT to the requirements of the Pennsylvania Borough Code, Act of February 1, 1966 (1965 P.L. 1656 No. 581) as amended, the following dates and times are established for the regular meetings of the Planning Commission of the Borough of Vandergrift for calendar year 2023. Meetings shall commence at 7:00 P.M. in the Council Chambers of the Vandergrift Borough Municipal Building located at 109 Grant Avenue, Vandergrift, Pennsylvania on the following dates:

January 9, 2023
February 13, 2023
March 13, 2023
April 10, 2023
May 8, 2023
June 12, 2023
July 10, 2023
August 14, 2023
September 11, 2023
October 9, 2023
November 13, 2023
December 8, 2023

Stephen J. DelleDonne,
Borough Secretary

Solicitor Lopéfíto presented the proposed Ordinance No. 1-2023, which amends Chapter 337-6, ball playing, snowballing and throwing stones and other missiles upon or onto streets, alleys or sidewalks prohibited. He requested Council's approval to advertise said Ordinance for adoption at the January 3, 2023 meeting. (See page 6-A & 6-B)

A motion was made by Mr. Uskuraitis, second by Mr. Holmes, to approve the aforementioned matter. Motion carried.

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

UNFINISHED BUSINESS:

A motion was made by Mr. Holmes, second by Uskuraitis, to recess the meeting until Monday, December 12, 2022, beginning at 7:00 pm, for the purpose of adoptin Resolution No. 10-2022-Increase refuse fees; Adopt the 2023 Fiscal Budget of the Vandergrift Borough, and to adopt Ordinance No. 3-2022- setting tax rate at 28 mills for 2023.

NEW BUSINESS:

None

RECESS:

A motion was made by Mr. Uskuraitis, seond by Mr. Holmes, to recess the meeting. Motion carried.

The meeting was recessed at 7:45 pm.

6-17

**BOROUGH OF VANDERGRIFT
ORDINANCE NO. 1 OF 2023**

AN ORDINANCE OF THE BOROUGH OF VANDERGRIFT, COUNTY OF WESTMORELAND, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 337-6 BALL PLAYING, SNOWBALLING AND THROWING STONES AND OTHER MISSILES UPON OR ONTO STREETS, ALLEYS OR SIDEWALKS PROHIBITED

WHEREAS, the Borough of Vandergrift is empowered to establish Ordinances to protect the health, safety, and welfare of the public and for the benefit of the residents and citizens of the Borough of Vandergrift by and through the powers granted under and pursuant to the Borough Code of the Commonwealth of Pennsylvania at 8 Pa.C.S. Section 101 et. seq; and,

WHEREAS, the Borough of Vandergrift enacted an Ordinance codified in the Borough Code of the Borough of Vandergrift at Code Section 337-6 prohibiting ball playing, including throwing, kicking or knocking of any ball, snowballing and the throwing of any stones or other missiles of any kind upon or onto any street, alley or sidewalk in the Borough of Vandergrift; and,

WHEREAS, the Borough of Vandergrift deems that this Ordinance must be amended in order to modernize and clarify the use of recreational equipment upon public thoroughfares, streets, alleys or sidewalks in the Borough of Vandergrift;

NOW THEREFORE, the Borough of Vandergrift does hereby enact and ordain as follows:

1. The provisions of Code Section 337-6 are hereby repealed, in full, and shall be renamed and restated as follows:

Section 337-6. Snowballing and throwing stones and any other non-recreational items upon or onto streets, alleys or sidewalks prohibited. The throwing of snowballs, stones or any other item, for non-recreational purposes, or the kicking of the same on or onto any street, alley or sidewalk in the Borough of Vandergrift is hereby prohibited.

2. The provisions of Section 337-7 – Violations and penalties are hereby repealed and shall be replaced with the following:

Section 337-7 – Any person who violates any provision of this Article shall, upon condition, be sentenced to pay a fine of not less than \$300.00 and the costs of prosecution.

REPEALER

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of any inconsistency.

SEVERABILITY

If any clause, sentence, paragraph or part of this Ordinance, or the application thereof to any person or circumstance, shall for any reason by adjudged by a court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder of this Ordinance nor the application of such clause, sentence, paragraph or part to other persons or circumstances, directly involved in the controversy in which such judgement shall have been rendered. It is hereby declared to the legislative intent that this Ordinance would have been adopted had such provisions not been included or such persons or circumstances been expressly excluded from their coverage.

CODIFICATION

The provisions of this Ordinance shall be codified, annually, by update of the Code of the Borough of Vandergrift.

EFFECTIVE DATE:

This ordinance shall be effective immediately.

This Ordinance being Ordained and Enacted this 3rd day of January, 2023 by the Council of the Borough of Vandergrift at a public meeting of the Borough Council of the Borough of Vandergrift at Vandergrift, Pennsylvania.

BOROUGH OF VANDERGRIFT

KATHLEEN CHVALA, President
Vandergrift Borough Council

ATTEST:

STEPHEN J. DELLEDONNE,
Borough Secretary

APPROVED:

LENNY COLLINI, Mayor

BOROUGH OF VANDERGRIFT

RECESSED MEETING OF DECEMBER 5, 2022

DECEMBER 12, 2022

The Council of the Borough of Vandergrift 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 PRESIDENT:

| | |
|------------------|-----------------|
| Jody Sarno | Tom Holmes |
| Christine Wilson | John Uskuraitis |
| Kathy Chvala | Marilee Kessler |

OTHER OFFICIALS:

Larry Loperfito, Solicitor Stephen DelleDonne, Secretary

President Chvala stated that purpose of the Recessed Meeting was to adopt the Budget of the Vandergrift Borough for the fiscal year 2023.

SOLICITOR REPORT:

Solicitor Loperfito presented for adoption Resolution No. 10-2022, which increase the refuse fees to \$348.00 annually, effective January 1, 2023. (See page 7-A)

A motion was made by Mr. Holmes, second by Mrs. Kessler, to adopt Resolution No. 10-2022. Motion carried.

GENERAL GOVERNMENT:

A motion was made by Mr. Holmes, second by Mrs. Wilson, to adopt the proposed Budget of the Vandergrift Borough for the fiscal year 2023. Motion carried.

A motion was made by Mr. Holmes, second by Mrs. Wilson, to adopt Ordinance No. 3-2022, which sets the tax rate for 2023 at 28 mills. Motion carried. (See page 7-B)

LEGAL NOTICE

Notice is hereby given that the Council of the Borough of Vandergrift will meet during a recessed regular meeting on December 12, 2022 at 7:00 P.M. at 109 Grant Avenue, Vandergrift, Westmoreland County, Pennsylvania, for the purpose of general business of the Council of the Borough of Vandergrift and for the purpose of considering the adoption of Ordinance 3 of 2022, which said Ordinance is the Tax Ordinance of the Borough of Vandergrift setting and fixing the tax rate for fiscal year 2023.

TAX ORDINANCE 3 OF 2022

AN ORDINANCE OF THE BOROUGH OF VANDERGRIFT, COUNTY OF WESTMORELAND, AND COMMONWEALTH OF PENNSYLVANIA FIXING THE TAX RATE FOR FISCAL YEAR 2023.

BE IT ORDAINED AND ENACTED, and is hereby ordained and enacted by the Council of the Borough of Vandergrift, County of Westmoreland and Commonwealth of Pennsylvania:

Section 1. That a tax be, and the same is, hereby levied on all property and occupations within the said Borough subject to taxation for Borough purposes for the year 2023 as follows:

Tax rate for general Borough purposes, the sum of twenty-eight (28) mills remains on each dollar assessed valuation.

Making a total tax rate for all Borough purposes of twenty-eight (28) mills remains on each dollar of assessed valuation.

Section 2. That any ordinance, or any part of any ordinance, conflicting with this ordinance shall be hereby repealed insofar as the same affects this ordinance.

ADOPTED this 12th day of December, 2022.

BOROUGH OF VANDERGRIFT

BY: Kathleen Chvala
KATHLEEN CHVALA
Council President

ATTEST:

Stephen J. DelleDonne (SEAL)
STEPHEN J. DELLEDONNE,
Borough Secretary

APPROVED:

Lenny Collini
LENNY COLLINI, Mayor

RESOLUTION 10 OF 2022

A RESOLUTION OF THE BOROUGH OF VANDERGRIFT,
COUNTY OF WESTMORELAND AND COMMONWEALTH OF
PENNSYLVANIA, RESOLVING TO INCREASE GARBAGE FEES
FOR SERVICES PROVIDED BY THE BOROUGH OF
VANDERGRIFT

WHEREAS, the Borough of Vandergrift imposes an annual rate, billed and payable in advance, on a quarterly basis pursuant to Vandergrift Borough Code Section 404-5(d); and,

WHEREAS, the Borough of Vandergrift deems it necessary to continue to protect the health, safety and welfare of the Borough of Vandergrift residents through regular garbage collection schedules and is required to increase the fee as a result of rising costs of administration associated with the garbage collection program;

NOW THEREFORE, the Borough of Vandergrift does hereby resolve as follows:

RESOLVED, that the Borough of Vandergrift shall increase garbage collection fees to \$348.00 annually, the same to be billed at a rate of \$87.00 per quarter constituting an increase of \$2.00 per month or \$6.00 per quarter effective as of the billings for the first quarter 2023 until further amended by resolution of the Council of the Borough of Vandergrift.

HAVING RESOLVED this 12th day of December, 2022 at Vandergrift, Pennsylvania.

BOROUGH OF VANDERGRIFT

BY: Kathleen Chvala
KATHLEEN CHVALA
Council President

ATTEST:

Stephen J. DelleDonne (SEAL)
STEPHEN J. DELLEDONNE
Borough Secretary

APPROVED:

Lenny Collinti
LENNY COLLINTI
Mayor

ADJOURNMENT:

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

The meeting was adjourned at 7:06 pm.