

BOROUGH OF VANDERGRIFT

MINUTES OF THE VANDERGRIFT COUNCIL MEETING

January 3, 2023

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.

At this time, Council held a moment of silence for Chief Justice McIntire.

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 December 5, 2022 meeting were approved by motion of Mr. Holmes, second by Mr. Sarno. Motion carried.

VISITORS:

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

Cheryl Yakopec, District Magistrate, addressed Council in regards to the follow-up of complaints, such as eviction notices and code officer enforcement issues.

Don Detar, 213 Lowell Street, is anything going to be done about residents putting trash out to early and not putting their trash cans away after pick-up.

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

MAYOR'S REPORT:

Mayor Collini mentioned for the Vandergrift residents to pray for the Brackenridge community following the tragedy of the shooting of their police chief.

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

SECRETARY'S REPORT:

The Secretary presented and explained the 2022 annual recycling report. (See page 2-A)

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

CODE OFFICER'S REPORT:

The Code Officer issued 308 notice violations and 37 citations during 2022.

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

COMMUNICATIONS & CORRESPONDENCE:

None

REGULAR & STATED BILLS:

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

SPECIAL BILLS:

None

STREET & SANITATION REPORT:

Chairperson Wilson reported that the Committee has hired Frank Burke to the position of a part-time labor.

2022
Borough of Vandergrift
Recycling Report

	<u>Aluminum#</u>	<u>BiMetal#</u>	<u>Glass#</u>
January	280	500	3,700
February	450	1,080	5,820
March	-----	-----	-----
April	540	1,280	6,400
May	560	1,020	6,560
June	380	920	5,180
July	550	980	6,640
August	----	-----	-----
September	320	880	5,060
October	320	720	4,340
November	340	780	3,880
December	<u>430</u>	<u>1,040</u>	<u>4,580</u>
	4,170#	9,200#	52,160#
	2.09 tons	4.60 tons	26.08 tons

Total Tons = 32.77 Tons X \$46.28/ Tons = \$1,516.60 (Savings)

Plus Landfill Fees \$4,915.50

Average- \$150 / 10 tons \$6,432.10

\$150 X 32.77 tons = 4,915.50

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

ENGINEER'S REPORT:

Engineer Bove referred to his report for the month and asked if any member of Council had any questions. (See page 3-A)

No questions were made from Council.

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

BUDGET & FINANCE REPORT:

Chairperson Clayton provided members copies of the General Fund, State Aid and Pool Fund budgets for the month of December, 2022.

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

POLICE & PUBLIC SAFETY REPORT:

Chairperson Holmes submitted a Person With Disability Parking Place from William Stitt, 505 ½ Lowell, but the spot will be placed on Burns Street. He stated the Mr. Stitt does meet the criteria set forth in the ordinance.

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

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

BUILDING & GROUNDS REPORT:

Chairperson Sarno stated the he and his Committee will meet to resolve the flag pole issue in front of the Municipal Building.

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

RE: 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 •
jodysarno@vandergriftborough.com • Anthony Bove <aboveengineering@comcast.net>

Ladies and Gentlemen,

My requested agenda items for the January 3rd Council meeting are as follows:

1. Street Excavation Permits – I want to alert the Board as to several upcoming Peoples Gas Company projects for Franklin Avenue from Washington to Sherman, Hancock Avenue from Whittier to Emerson and a project in the heights involving streets bounded by Hancock, Emerson, Hawthorne, Wallace and Bryant. The Hancock Avenue project permit has been issued (note that they have a permit from PennDOT for the work on Hancock Avenue which is a state road). The permits for the other 2 projects have not yet been applied for. These permits will require temporary restoration of the streets and sidewalks in such a manner that will not impede the Borough's winter maintenance operations. I can provide further details if anyone has any questions.
2. 704 & 706 Holland Avenue (Unsafe Structure)– A hearing at the Magistrate is scheduled for Jan. 11, 2023.

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
8201 Route 819
Greensburg, PA 15601
(724) 925-9269



TREE & LIGHT REPORT:

Chairperson Kessler reported that the tree issue at Project 70, of which is regarding a tree that fell on to the fence of an abutting residence. She stated that the Borough Crew repaired and painted the resident's fence and they removed some smaller and manageable dead trees.

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

GENERAL GOVERNMENT REPORT:

At 7:25, a motion was made by Mr. Holmes, second by Mr. Uskuraitis, to call an executive session of Council for the purpose to consult a legal opinion conflict of interest matters. Motion carried.

At 7:35, a motion was made by Mr. Holmes, second by Mr. Uskuraitis, to return to the regular order of business and to state that no action was taken during the executive session. Motion carried.

RECREATION REPORT:

No Report

SOLICITOR'S REPORT:

Solicitor Loperfito presented for adoption Ordinance No. 1-2023, which amends to the ball playing ordinance, etc. (See pages 4-A & 4-B)

A motion was made by Mr. Sarno, second by Ms. Clayton, to adopt Ordinance No. 1-2023. Motion was carried.

Solicitor Loperfito presented for adokption Resolution No. 1-2023, which declares the intent to avoid a conflict of interest. (See page 4-C)

A motion was made by Mr. Holmes, second by Mrs. Wilson, to adopt the Resolution No. 1-2023. Motion carried.

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

UNFINISHED BUSINESS:

Mr. Holmes stated that there is a need to fill a vacancy on the Vandergrift Zoning & Hearing Board.

4-A

**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 be 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

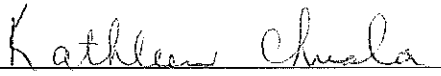
The provisions of this Ordinance shall be codified, annually, by update of the Code of the Borough of Vandergrift.

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.

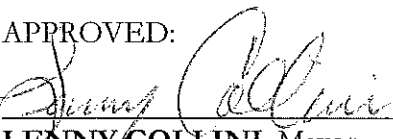
BOROUGH OF VANDERGRIFT


KATHLEEN CHVALA, President
Vandergrift Borough Council

ATTEST:


STEPHEN J. DELLEDONNE, (SEAL)
Borough Secretary

APPROVED:


LENNY COLLINI, Mayor

4-C

RESOLUTION 1 of 2023

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF VANDERGRIFT DECLARING THE INTENT TO AVOID CONFLICT OF INTEREST.

WHEREAS, the seven (7) members of the Council of the Borough of Vandergrift acknowledge that they are elected to serve as a member of the Council of the Borough of Vandergrift; and,

WHEREAS, the members of Council acknowledge that from time to time, conflicts of interest may arise which necessitates the requirement that they refuse to act in order to comply with ethical requirements to avoid a conflict of interest;

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

RESOLVED, the members of the Council of the Borough of Vandergrift shall avoid conflict of interest and, upon identifying a discussion where a conflict of interest may exist, the Councilperson shall decline to participate in the discussion, vote or any matters which could impair their service as a member of the Council of the Borough of Vandergrift.

IT IS FURTHER RESOLVED, that under such circumstances, the Councilperson shall declare a conflict of interest and the same shall be recorded in the minutes to identify the reason for their failure to participate in the matter at hand as a member of the Council of the Borough of Vandergrift and shall execute abstention forms to be made part of the minutes of the Council meeting.

RESOLVED, in Vandergrift Borough, Pennsylvania this 3rd day of January, 2023.

BOROUGH OF VANDERGRIFT:

BY: Kathleen Chvala
KATHLEEN CHVALA, President

ATTEST:

Stephen J. DelleDonne (SEAL)
STEPHEN J. DELLEDONNE, SECRETARY

Solicitor Loperfito suggested that letters of interest for the position be place on the Borough's Website and Facebook.

NEW BUSINESS:

Mr. Uskuraitis stated that it is nice to see new businesses coming into town.

ADJOURNMENT:

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

The meeting was adjourn at 7:40 pm.