

BOROUGH OF VANDERGRIFF
MINUTES OF THE VANDERGRIFF COUNCIL

JANUARY 6, 2014

The Council of the Borough of Vandergrift held their Reorganizational Meeting in the Council Chambers of the Municipal Building at 7:00 p.m, with Mayor Louis Purificato presiding. The Pledge of Allegiance to the Flag was recited.

Prior to the election of officers of the Vandergrift Borough Council, Mayor Purificato administered the Oath of Office to the following newly elected members of Council: Lenny Collini, Brian Carricato, Frank Moliterno, and Christine Wilson.

MEMBERS PRESENT:

Lenny Collini	Vernon Sciallo
Brian Carricato	Christine Wilson
James Rametta	Kathleen Chvala
Frank Moliterno	

OTHER OFFICIALS:

Louis Purificato, Mayor	Stephen DelleDonne, Secretary
Larry Loperfido, Solicitor	Lucien Bove, Engineer
Joseph Caporali, Police Chief	

At this time, Mayor Purificato proceeded with election of officers of the Vandergrift Borough Council. He opened the floor for nominations for President of Council.

A motion was made by Mr. Moliterno, second by Mr. Sciallo, to nominate Brian Carricato to the position of President of Council.

A motion was made by Mr. Rametta, second by Mr. Collini, to close nominations.

Mayor Purificato declared Brian Carricato as President of the Vandergrift Borough Council.

Mayor Purificato opened the floor for nominations for Vice President of Council.

Mr. Carricato nominated Vernon Sciallo for Vice President.
Mr. Collini nominated James Rametta for Vice President.

Mayor Purificato called for a roll call on nominations for Vice President.

The Secretary recorded the following vote:

Nominee-Vernon Sciuillo

Mr. Sciuillo
Mr. Carricato
Mrs. Wilson
Mrs. Chvala
Mr. Moliterno

Nominee-James Rametta

Mr. Collini
Mr. Rametta

The Secretary stated that Mr. Sciuillo received five (5) votes for Vice President and Mr. Rametta received two (2) votes for Vice President.

Mayor Purificato declared Mr. Sciuillo as the Vice President of the Vandergrift Borough Council.

With the conclusions of the election of officers, Mayor Purificato turned the chair over to Brian Carricato.

MINUTES:

The minutes of the December 2, 2013 meeting were approved by motion of Mr. Rametta, seconded by Mrs. Chvala. Motion carried.

VISITORS:

A motion was made by Mr. Sciuillo, second by Mrs. Chvala, to hear from visitors at this time. Motion carried.

Al Trumbi, 216 Franklin Ave., addressed Council in regards to the proposed ordinance that will regulate or license residential rental units in the Borough. He questioned cost of obtaining a residential license.

Solicitor Loperfido stated that the fee will be \$50.00 the first year and \$10.00 each year after to relicense.

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

At this time, Council acted upon the following matters:

A motion was made by Mrs. Chvala, second by Mr. Sciallo, to set the 2014 regular monthly meetings of the Vandergrift Council for the First Monday of Each Month, beginning at 7:00 p.m., with the following exceptions: April meeting to be held on Tuesday, April 1st, and the September meeting to be held on Tuesday, September 2nd. Motion carried.

A motion was made by Mr. Rametta, second by Mr. Sciallo, to reappoint the First Commonwealth Bank as the Borough's Treasurer. Motion carried.

A motion was made Mrs. Wilson, second by Mrs. Chvala, to reappoint Jerry Little as the Borough's solicitor to the Vandergrift Zoning & Hearing Board. Motion carried.

A motion was made by Mr. Sciallo, second by Mrs. Chvala, to reappoint Larry Loperfito as the solicitor for the Vandergrift Borough Council. Motion carried.

A motion was made by Mr. Rametta, second by Mr. Sciallo, to reappoint Michael Bove, Bove Engineering Company, as the Borough's engineer. Motion carried with Mrs. Wilson abstaining.

A motion was made by Mr. Sciallo, second by Mr. Rametta, to reappoint Emil Bove as the Borough's Sewage Enforcement Officer. Motion carried.

A motion was made by Mr. Sciallo, second by Mrs. Chvala, to reappoint Code sys. Consulting as the Borough's Code Official. Motion carried.

A motion was made by Mrs. Wilson, second by Mr. Sciallo, to reappoint Wes Boartz to a three (3) year term on the Vandergrift Zoning & Hearing Board. Motion carried.

A motion was made by Mrs. Wilson, second by Mr. Sciallo, to reappoint James Kerr to a six (6) year term on the Vandergrift Civil Service Commission. Motion carried.

A motion was made by Mr. Sciallo, second by Mr. Rametta, to reappoint Victor Capretto to a three (3) year term on the International Property Maintenance Code Appeals Board. Motion carried.

MAYOR'S REPORT:

No Report

SECRETARY'S REPORT:

No Report

ORDINANCE OFFICER'S REPORT:

No Report

COMMUNICATIONS & CORRESPONDENCE:

None

REGULAR & STATED BILLS:

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

SPECIAL BILLS:

The Secretary presented a request from Bove Engineering Company to approve the submission of a PennVest Request Payment No. 19 in the amount of \$13,202.01. He stated that this amount reflects the final engineering fees of \$1,590.00, the construction costs of \$7,000.00, the financial (audit) fees of \$4,000.00, and interest reimbursements to the Borough in the amount of \$612.01.

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

ENGINEER'S REPORT:

Engineer Lucien Bove announced that the closing for the PennVest Loan for the Phase 2-A & 2-B Separation Project will be on January 16, 2014.

Mr. Bove presented Resolution NO. 1-2014 for adoption regarding a requirement from PennDot to authorize the President or Vice President of Council to sign an attached Highway Restoration & Maintenance Bond. (See pages 4-A to 4-D)

A motion was made by Mr. Sciuillo, second by Mr. Rametta, to adopt Resolution No. 1-2014. Motion carried.

Mr. Bove questioned what action wishes to take in regards to the Kiski Valley Water Pollution Control Authority letter about the closing of the diversion chamber #17 and CSO-018 at Longfellow Street Extension. (See page 4-E & 4-F: the Authority's letter dated 8/13/13)

Mrs. Wilson stated that once the Borough accepts this acknowledgment, the diversion chamber will be maintained by the Borough.

Following a discussion of this matter, President Carricato recommended that this matter be tabled until the February meeting, thereby providing time for the Solicitor to look into this further.

17-17

RESOLUTION NO 1-2014

BE IT RESOLVED, by authority of the Borough of Vandergrift
109 Grant Avenue, Vandergrift, PA 15690 (Name of Municipality/Authority)
of _____
(Name of Municipality if Authority)
Westmoreland County, and it is hereby
resolved by authority of the same, that the President or Vice President of Council
(designate official title)
of said Municipality/Authority be authorized and directed to sign the attached Agreement
on its behalf and that the Borough Secretary be authorized and
(designate official title)
directed to attest the same.

ATTEST:

Borough of Vandergrift
(Name of Municipality/Authority)
BY Vandergrift Borough Council
Stephen J. DellaDonne CONCEAL
Signature and Official Title President
Signature and Official Title
Stephen J. DellaDonne, Borough Secretary

(SEAL)

I, Stephen J. DellaDonne Secretary
(Name) (Official Title)
of the Borough of Vandergrift
(Name of Governing Body and Municipality)
do hereby certify that the foregoing is a true and correct copy of the Resolution adopted
at a regular meeting of the Vandergrift Borough Council
(Name of Governing Body)
held the 6th day of January, 20 14

Date: January 6th, 20 14

Stephen J. DellaDonne
(Signature and Official Title)
Stephen J. DellaDonne, Borough Secretary

AGREEMENT NO. _____

☐ Individual - (Assigned by District Office)

Application No. _____

☐ Blanket - \$500,000 Minimum (Assigned by Central Office)

HIGHWAY RESTORATION AND MAINTENANCE BOND

FEDERAL I.D. NO. #25-1563793

BOND NO. 09139273

EFFECTIVE DATE _____

KNOW ALL MEN BY THESE PRESENTS, That we Glenn Johnston, Inc.

and Vandergrift Borough

109 Grant Avenue

of Vandergrift, PA 15690

(Name of Principal - Permittee)

and 1055 Center Street, McKeesport, PA 15132

as PRINCIPAL*, and

Fidelity

(Mailing Address of Principal - Permittee)

and Deposit Company of Maryland

of Six PPG Place, Suite 800, Pittsburgh, PA 15222

(Name of Surety)

(Mailing Address of Surety)

as SURETY, are held and firmly bound unto the Commonwealth of Pennsylvania, Department of Transportation, as OBLIGEE, in the full and just sum of Five Hundred Thirty-Seven Thousand Dollars (\$537,000.00), lawful money of the United States of America, to be paid to the said Commonwealth of Pennsylvania, or its assigns, to which payment will and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the PRINCIPAL has applied, is about to apply or may in future from time to time apply to the OBLIGEE for one or more Highway Occupancy Permits (referred to herein as the "Permits") which require a bond to secure proper restoration of the highway pursuant to 67 Pa. Code Chapter 459.5(b), because a substantial amount of work may be performed for or by the PRINCIPAL under such Permits.

NOW, THEREFORE, The condition of this obligation is such that, if the above bounden PRINCIPAL shall in all respects comply with and faithfully perform the terms and conditions of each Permit and all applicable provisions of 67 PA. Code Chapter 459, and shall save and hold harmless the OBLIGEE from any damages or losses from any cause growing out of work to be performed under such Permits of the State Highway(s) then this obligation shall be void and of no effect; but otherwise is to be and remain in full force and effect.

PROVIDED, that any alterations which may be made in the terms of any Permit(s) or in the payment of costs due under it, or the giving by the OBLIGEE of any extension of time for the performance of work or any other forbearance on the part of either the OBLIGEE or the PRINCIPAL to the other, shall not in any way release the PRINCIPAL and the SURETY or SURETIES or either or any of them, their heirs, executors, administrators, successors and assigns, from their liability hereunder, notice to the SURETY or SURETIES of any such alteration, extension or forbearance being hereby waived.

PROVIDED, that with respect to each Highway Occupancy Permit, and any supplements thereto, issued by the OBLIGEE to the PRINCIPAL, the duration of the obligation under this Bond shall be for the period during which work is performed and for two years after the Department's acknowledgment of completion of all work authorized by such Highway Occupancy Permit(s), and any supplements thereto.

PROVIDED, the SURETY may terminate its future liability under this Bond ninety (90) days after furnishing written notice of such intention to terminate, delivered in person or by registered or certified mail, to the Department at its appropriate District Permit Office and the Central Permit Office, located at 400 North Street, Harrisburg, Pennsylvania 17120-0041. This termination shall not affect the liability of the SURETY and the PRINCIPAL for any liability incurred by the PRINCIPAL under the Agreement prior to the effective date of such termination, but the liability of the PRINCIPAL and the SURETY for any liability incurred by the PRINCIPAL under the Agreement prior to the date of such termination, but the liability of the PRINCIPAL and the SURETY for any liability incurred by the PRINCIPAL under the Agreement prior to the effective date of termination shall continue beyond the date of termination until such time the PRINCIPAL(S) liability is totally discharged and satisfied.

*If Permittee's contractor is also listed as PRINCIPAL, collectively identified as PRINCIPAL for the purposes of this Bond only.

PROVIDED, that in case of default of the PRINCIPAL, in any respect, action on this Bond may be begun forthwith, and the PRINCIPAL and SURETY, jointly and severally, do hereby authorize and empower any attorney of any court of record in Pennsylvania or elsewhere, to appear for and to enter judgment against them, jointly and severally, for the cost of proper restoration of the State Highway(s) affected by the permitted work, not to exceed the aforementioned sum, with or without default, with costs of suit, with release of errors, without stay of execution and with ten percent (10%) attorney's fees added for collection; and waiving inquisition on any real estate and exemption of any property whatsoever, authorizing condemnation of same and immediate issuance of a Writ of Execution, and releasing and waiving relief from any and all appraisement, stay of execution, or exemption laws of any state, now in force or hereinafter to be passed.

PROVIDED, FURTHER, that in the absence of default, this Bond shall remain in full force and effect and may not be cancelled by the SURETY without the written permission of the OBLIGEE'S Permit Office.
Time limitations set forth in this Bond shall not be deemed to relieve the PRINCIPAL of liability for items exceeding the time limitations set forth in 67 Pa. Code Chapter 459.

EXECUTED ON _____ (DATE) _____ with the intention to be legally bound hereby.

ATTEST: [Signature]
☒ Secretary ☐ Assistant Secretary
☐ Treasurer ☐ Assistant Treasurer
 Glenn Johnston
☐ Other: _____ **

(SEAL)

Glenn Johnston, Inc.
 BY [Signature]
 PRINCIPAL - PERMITTEE
☒ President ☐ Vice-President
☐ Other: _____ **

ATTEST: [Signature]
☒ Secretary ☐ Assistant Secretary
☐ Treasurer ☐ Assistant Treasurer
☐ Other: _____ **

(SEAL)

Vandergrift Borough
 BY [Signature]
 PRINCIPAL - PERMITTEE
☐ President ☐ Vice-President
☐ Other: _____ **

WITNESS: [Signature]
 Title: Caitlin M. Healy, Witness

(SEAL)

Fidelity and Deposit Company of Maryland
 BY [Signature]
 Title: _____ SURETY
 Robert C. McCarthy, Jr., Atty-in-Fact

Atty-in-Fact is PA Resident Agent
 Pennsylvania Resident Agent-When Required

APPROVED AS TO LEGALITY AND FORM

BY _____
 Chief Counsel

**If PRINCIPAL is a Government Unit, or if signature is other than a president, vice president, sole proprietor and owner, or managing partner, a Resolution authorizing signature must be attached.
 ***Power of Attorney, properly executed and dated, must be attached. Power of Attorney must have the same date as the Bond (effective or executed date).

4-0

**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Maryland, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Maryland (herein collectively called the "Companies"), by **THOMAS O. MCCLELLAN, Vice President**, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint **Robert C. MCCARTHY, JR., Ruth Ann KRÉNICKY and Felicia M. LOFTIS, all of Pittsburgh, Pennsylvania, EACH** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 25th day of April, A.D. 2012.

ATTEST:

**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



By: *Eric D. Barnes*
Assistant Secretary
Eric D. Barnes

Thomas O. McClellan
Vice President
Thomas O. McClellan

State of Maryland
City of Baltimore

On this 25th day of April, A.D. 2012, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **THOMAS O. MCCLELLAN, Vice President, and ERIC D. BARNES, Assistant Secretary**, of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, depose and say, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed in the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written

Constance A. Dunn

Constance A. Dunn, Notary Public
My Commission Expires July 14, 2015





Kiski Valley Water Pollution Control Authority

1361 SCHOOL ROAD • LEECHBURG PA 15656
PHONE: (724) 568-3655 FAX: (724) 568-3554

August 13, 2013

Borough of Vandergrift Council
109 Grant Avenue
Vandergrift, PA 15690

IN RE: CSO Outfall

Dear Council of the Borough of Vandergrift:

The Kiski Valley Water Pollution Control Authority was directed by the regulatory agencies (Environmental Protection Agency and the Pennsylvania Department of Environmental Protection) in its National Pollution Discharge Elimination System permit (NPDES) to assume control of the following CSO outfalls in your community.

As you know, the regulatory agencies have now required that the sanitary and storm lines be separated and your community has been partially successful in doing that. As a result, the CSO outfall #018 located on Longfellow Street, which was closed on May 2, 2013 has been removed from our NPDES permit and we no longer have authority or responsibility for that outfall. The service agreement with the 13 member municipalities requires that the Kiski Valley Water Pollution Control Authority will have control only of the main connector lines which bring sanitary sewage to the plant located in Allegheny Township. Since your outfall #018 now simply delivers storm water directly to the Kiskiminetas River, the Kiski Valley Water Pollution Control Authority can no longer exercise any control or responsibility over them. The purpose of this letter and the enclosed acknowledgment allows us to update our records and confirm with the regulatory agencies that we no longer have responsibility for the outfall #018 in your community.

If you have any questions about this, you may feel free to call either myself or Timothy J. Geary, Esquire, our Solicitor, at (724) 568-3694. We request that your Council approve and execute the enclosed acknowledgement for our records.

Very truly yours,

Robert Kossak
ROBERT KOSSAK
Plant Manager

Enclosure

ACKNOWLEDGMENT

Council of the Borough of Vandergrift acknowledges that it has begun its sewer separation project and has been notified by the Kiski Valley Water Pollution Control Authority that it is no longer able to exercise any control or have any responsibility for the maintenance and upkeep of CSO outfall #018 located on Longfellow Street in Vandergrift which was closed on May 2, 2013.

This Acknowledgement was executed at a duly advertised meeting of the Council of the Borough of Vandergrift on the ____ day of _____, 2013.

President of Council

ATTEST:

_____(SEAL)
Secretary

A motion was made by Mr. Sciuillo, second by Mrs. Chvala, to accept the Engineer's Report.
Motion carried.

SOLICITOR'S REPORT:

Solicitor Loperfido informed Council that the closing of the 2014 Tax Anticipation Loan will be held at the First Commonwealth Bank of Friday, January 10, 2014.

Solicitor Loperfido stated that the propose Ordinance NO. 1-2014 has been duly advertised and is ready for adoption. He stated that said Ordinance regulates rental unit occupancy, protecting persons and property from nuisances and provides for inspections and penalties for noncompliance.

Mayor Purificato stated that there already regulations in the Uniform Construction Code that cover these matters. He also stated that American Civil Liberties Union currently has filed litigation on matters found in this ordinance.

Following several concerns from members of Council, a motion was made by Mrs. Chvala, second by Mr. Sciuillo, to call for a roll call vote on the proposed Ordinance No. 1-2014.

The Secretary proceeded with a roll call vote on the adoption of Ordinance No. 1-2014.

Mr. Collini	- Yes
Mr. Sciuillo	- No
Mr. Carricato	- No
Mrs. Wilson	- No
Mr. Rametta	- Yes
Mrs. Chvala	- No
Mr. Moliterno	- No

The Secretary stated that the proposed Ordinance No. 1-2014 did not pass, with five (5) votes against its adoption and two (2) votes in favor.

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

UNFINISHED BUSINESS:

None

NEW BUSINESS:

In light of the recent fires affecting three homes in town, Mrs. Wilson requested the General Government Committee set a meeting with the Municipal Authority of Westmoreland County for the purpose of discussing the situation with the fire hydrants.

President Carricato stated that he would have the General Government Committee scheduled a meeting with the water company.

Mr. Sciullo stated that he would also like to have the chiefs of both fire companies attend the meeting.

President Carricato informed Council that there will be a benefit dinner in the basement of St. Gertrude Church on Sunday, January 12th for the fire victims on Burn Street. He also stated that a rummage sale will held at the Church of God on Franklin Avenue.

ADJOURNMENT:

A motion was made by Mr. Sciullo, second by Mr. Moliterno, to adjourn the meeting. Motion carried.

The meeting was adjourned at 7:50 p.m.