

BOROUGH OF VANDERGRIFT

MINUTES OF THE VANDERGRIFT COUNCIL

SEPTEMBER 4, 2018

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

MEMBERS PRESENT:

Kathleen Chvala	Casimer Maszgay
Peter Basile	James Rametta
Christine Wilson	Lenny Collini

OTHER OFFICIALS:

Barbara Turiak, Mayor	Stephen DelleDonne, Secretary
Larry Loperfido, Solicitor	Theresa Geltz, Asst. Secretary
Lucien Bove, Engineer	Joseph Caporali, Police Chief

MINUTES:

The Minutes of the June 4, 2018 meeting were approved by motion of Mr. Sciallo, second by Mrs. Wilson. Motion carried.

VISITORS:

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

Ashley Hannigan, No. 1 Fire Department, requested the use of the Franklin Park area for a "Party in the Park" on October 13<sup>th</sup>, from 5:00 pm to 11:00 pm.

Ms. Hannigan requested that a "No Parking" sign be erected at the top of 29<sup>th</sup> and Hancock.

Jim Williams, 126 Oregon Avenue, stated that the new LED street lights are a good think. He also questioned the status of the reconstruction of Oregon Avenue.

Mrs. Wilson stated that the project is on hold until such time as the County receives approval from HUD.

Marilee Kessler, 426 Hancock Avenue, stated that the V.I.P is requesting permission to use Franklin Park and playground area for an event to follow the Halloween Parade on October 27<sup>th</sup>. (See page 2-A)

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

MAYOR'S REPORT:

No Report

SECRETARY'S REPORT:

No Report

CODE OFFICER'S REPORT:

Mr. Young reported that he issued 65 notices regarding trash and grass violations and the removal of 4 abandoned vehicles.

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

COMMUNICATIONS & CORRESPONDENCE:

The Secretary presented the following communications for Council's review and action:

Exhibit 1-A: Westmoreland County Planning Department.

Subject: Application for the 2019 CDBG funds.

A motion was made by Mr. Rametta, second by Mr. Collini, to authorize the Borough Engineer to make an application for the 2019 CDBG funding to be filed by 9/30/2018. Motion carried.

Exhibit 2-A: Deborah Chiado, County Tax Office.

Subject: Request to take action of 714 Irving Street presently in the Unsold Property Respository, and that a bid of \$500.00 was received from Leanora & John McMasters.

2-4

From: Shannon Gourley [[shannon.m.gourley@gmail.com](mailto:shannon.m.gourley@gmail.com)]  
Sent: Tuesday, September 04, 2018 11:50 AM  
To: Marilee Kessler  
Subject: Vandergrift Parent Project Fall Event

To whom it may concern,

The Vandergrift Parent Project working under the umbrella of the V.I.P is requesting permission to use the park and playground area at Franklin Avenue Park on Saturday, October 27th. The event is to follow the Vandergrift Halloween parade which will take place Saturday with line up at noon and parade at 1pm. We have met with the fire department to coordinate our event. We wish to set up a pop up pumpkin patch and "Great Pumpkin" themed obstacle course for young children. The event will be free for families with only a suggest donation. We are also seeking out a possible cupcake vendor and coffee vendor for the event. We are also seeking permission to decorate the Franklin Park area with cornstalks/hay bales/and other natural fall decorations the first weekend of the October. We thank you in advance for your cooperation.

Sincerely,  
Vandergrift Parent Project

Ted Kopas  
Commissioner

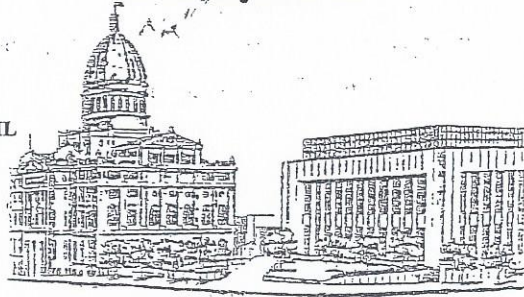
Gina Cerilli  
Chairman

Charles W. Anderson  
Commissioner

# Westmoreland County

## Pennsylvania

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:** 2019 Community Development Block Grant (CDBG) Applications

**DATE:** August 1, 2018

Westmoreland County is now accepting applications for the 2019 Community Development Block Grant (CDBG) Program. Any municipality that plans to submit a project for 2019 CDBG funding consideration must submit an application to this office by September 30, 2018. The 2019 program year begins May 1, 2019, 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, 2018.**

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 2019 funding.

Applications may be found at <http://www.co.westmoreland.pa.us/689/Community-Development> under "Forms".

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

Janet Thomas	(724) 830-3650	jthomas@co.westmoreland.pa.us
Terry Antonacci	(724) 830-3651	tantona@co.westmoreland.pa.us
Jennifer Woodling	(724) 830-3615	jwoodlin@co.westmoreland.pa.us

Thank you.

Ted Kopas  
Commissioner

Gina Cerilli  
Chairman

Charles W. Anderson  
Commissioner

# Westmoreland County Pennsylvania



REAL ESTATE  
TAX OFFICE

Director

Deborah T. Chiado

Telephone: 724-830-3420

Fax: 724-853-4628

Deputy Director  
JoAnn Sebastiani

Telephone: 724-830-3422

Date: August 27, 2018

To: Borough of Vandergrift  
109 Grant Avenue  
Vandergrift, PA 15690

Gentlemen:

A bid has been received by the Westmoreland County Tax Claim Bureau to purchase a property in your taxing district that is presently in the Unsold Property Repository pursuant to Section 627 of the Real Estate Tax Sale Act (72 P.S. 627).

Section 627 requires the written consent of each taxing district where the property is located prior to the sale. No taxing district may unreasonably withhold its consent to the sale of the property.

The information concerning the proposed sale is as follows:

Tax Map No: 37-01-09-0-042

Property Address: 714 Irving Street, Vandergrift, PA 15690

Property Owner: Leanora L. and John McMasters

Amount of Bid: \$500.00

Please bear in mind that a property is placed in the Repository after it has been exposed to the annual public sale and at least one judicial sale proceedings. Most often, the reason that the property has not been sold is because the amount of the delinquent taxes and judgments of record far exceed the market value of the property. In addition, as long as the property is held in the Repository, it does not generate any real estate taxes.

Accordingly, please take action at your public meeting with regard to this request for consent. Please indicate your consent by countersigning this letter and returning it to this office within 40 days. We must have written consent in order to proceed to place this property back on the tax rolls and for your district to receive tax dollars.

Very truly yours,

Deborah T. Chiado  
Director, Tax Office

PROSPECTIVE BUYERS:  
Lauren Kristi Colaianni

CONSENTING: \_\_\_\_\_

Mr. Basile requested that action on this matter be postponed until such time he has the opportunity to speak to the perspective buyers of said property.

REGULAR & STATED BILLS:

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

SPECIAL BILLS:

The Secretary presented an invoice from State Pipe Services in the amount of \$3,780.00 for CCTV inspection of sewer lines on Lincoln, 28<sup>th</sup> St., Emerson and Wallace.

A motion was made by Mr. Collini, second by Mr. Rametta, to pay the aforementioned invoice. Motion carried with Mrs. Wilson abstaining.

The Secretary presented an invoice from Victor Capretto in the amount of \$4,050.00 for the installation of three (3) light poles at the Lower Parking Lot.

A motion was made by Mr. Rametta, second by Mr. Collini, to pay the aforementioned invoice. Motion carried.

STREET & SANITATION REPORT:

No Report

ENGINEER'S REPORT:

Engineer Bove stated that the proposed sewer project from Delaware Avenue to the sewer interceptor line needs to have the roots. He also stated that approximately eight (8) inlets will need to be repaired and included in the project. He stated that project will cost approximately \$104,000.

Mrs. Wilson stated that this project will help eliminate future sewer backups in this area. She also stated that the removal of the roots may not resolve all the problems.

A motion was made by Mr. Rametta, second by Mr. Maszgay, to direct the Engineer to prepare the necessary specification for the aforementioned and to advertise for bids to be opened at the October 1, 2018 meeting. Motion carried with Mrs. Wilson abstaining.

In regards to the Dollar General Store matter, Solicitor Loperfito stated that the Vandergrift Planning Commission has approved all matters pertaining the said store contingent upon the review of the seventeen (17) conditions set forth.

# State Pipe Services, Inc.

7587 Franklin Road

Cranberry Township, PA 16066

Phone (724) 538-3900 Fax (724) 538-3150

e-mail - admin@statepipeservices.com

web site - www.statepipeservices.com

# INVOICE

**BILL TO:** Vandergrift Borough  
109 Grant Avenue  
Vandergrift, PA 15690

**DATE:** August 29, 2018

**TERMS:** Net 30 Days

**P.O. #**

**JOB #:** S-222-18

DESCRIPTION	AMOUNT
August 17 & 24, 2018	
CCTV Inspection of 8" - 15" Sewer Lines Lincoln Avenue / 28th Street / Emerson Street / Wallace Street	
Sewer Jet, TV Truck & 3-Man Crew 12 hours x \$315.00 per hour	
TOTAL AMOUNT DUE	\$3,780.00

Enclosures: One (1) Inspection Report  
One (1) DVD w/ data, photo & video files

*Please reference Job # on all payments. Thank you for your business!*

# Victor Capretto

Electrical Contractor

114 Michigan Avenue  
Vandergrift, PA 15690  
Phone 412.841.2695  
Fax 724.568.1610

# INVOICE

DATE: 8/21/2018

TO:  
VANDERGRIFT BORO  
GRANT AVENUE  
VANDERGRIFT PA 15690

FOR:  
Led light poles in municipal parking lot

1- install three previously purchased metal halide light poles in lower municipal lot	
2- make template of pole bases and drill 3 pole foundations 12 holes total	
3- have 12 anchor bolts fabricated at machine shop	
4- epoxy anchor bolts 12 inches into concrete base	
5- pull 900 ft no 2 copper and 450 ft no 10 copper to existing light pole in front of casino	
6- put together and install 3 light poles removing ballast and light socket converting fixture to led	
7- purchase and install led light fixtures in poles	
8- no 2 wire no 10 wire	1200.00
9- four led light fixtures	600.00
10- anchor bolts	250.00
Labor overhead and profit 2 men 20 hours 100.00 hr	2,000.00
Total due	4050.00



Lucien Bove stated that he has approved the Storm Water Management matters regarding the Dollar General Store.

Solicitor Loperfido presented for adoption Resolution No. 6-2018 regarding the approval of the Construciion Plan for General Dollar Store. (See Page 4-A-4-D)

A motion was made by Mr. Collini, second by Mr. Basile, to adopt Resolution No. 6-2018. Motion carried.

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

BUDGET & FINANCE REPORT:

No Report

POLICE & PUBLIC SAFETY REPORT:

No Report

Mr. Maszgay commended Officer Rigatti and Sgt. DePanicis for handling the hit & run incident along the Serpentine Road.

BUILDING & GROUNDS REPORT:

Chairperson Rametta reported that work has been completed in regards to the roof at the Municipal Building and the roof at the Borough Maintenance Building at a total cost of \$22,000.

Mr. Basile stated that the employees at the Vandergrift Library wish to have reserved parking along the building on 13<sup>th</sup> Street, especially during the evening hours.

Solicitor Loperfido suggested the placement of parking signs the hours to be reserved for the library employees.

A motion was made by Mr. Maszgay, second by Mr. Collini, to accept the Building & Grounds Report. Motion carried.

TREE & LIGHT REPORT:

Chairperson Maszgay reported that West Penn Power has begun to replace the existing street lights with the new LED lights. He stated that some residents are complaining that the new lights are too bright.

## RESOLUTION 6 OF 2018

A RESOLUTION OF THE BOROUGH OF VANDERGRIFT, COUNTY OF WESTMORELAND AND COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING AND APPROVING THE CONSTRUCTION PLAN, AS APPROVED BY THE BOROUGH OF VANDERGRIFT ON AUGUST 29, 2018, UNDER AND SUBJECT TO THE CONDITIONS AS ESTABLISHED BY THE PLANNING COMMISSION OF THE BOROUGH OF VANDERGRIFT.

WHEREAS, the Planning Commission of the Borough of Vandergrift met on August 29, 2018, for the purpose of reviewing plan documents, as submitted by Civil and Environmental Consultants, and PTV, XVII, LLC on behalf of Dollar General Corporation, for the renovation and construction of the former Sprankles Market situate on Franklin Avenue in the Borough of Vandergrift and encompassing therewith, Lot Numbers 37-01-10-0-038 and 37-01-10-0-037, previously approved for a reverse subdivision by Resolution 3 of 2018, as approved by the Council of the Borough of Vandergrift on the 4<sup>th</sup> day of June, 2018; and,

WHEREAS, as a result of the hearing, the Planning Commission of the Borough of Vandergrift has conditionally approved the plans as submitted by the Applicants, under and subject to the conditions set forth in this Resolution, which shall form the basis of the requirements which must be met by the Applicants, all thereby forming the basis for the grant of an occupancy permit upon completion of construction; and,

WHEREAS, failure to comply with the requirements, as identified in the conditions set forth in this Resolution, shall form the basis for the denial of, or cease and desist Order of (as applicable), any building or occupancy permit until such time as all conditions (necessary for the completion of construction and occupancy) as determined by the Borough of Vandergrift, have met the requirements of the Engineer of the Borough of Vandergrift and the requirements of this Resolution;

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

RESOLVED, that on the 29<sup>th</sup> day of August, 2018, the Planning Commission of the Borough of Vandergrift did conditionally approve, and does hereby recommend to the Council of the Borough of Vandergrift, the Vandergrift Dollar General Store Plan under and subject to the following conditions:

1. Storm Water Management Plan review by, and compliance with comments by, the Westmoreland Conservation District, if required;

2. Compliance with all recommendations of the Engineer of the Borough of Vandergrift;
3. Payment of all costs, fees, reimbursements, including legal and engineering costs, to the Borough of Vandergrift and payment of all amounts necessary for permits, under and through the Borough of Vandergrift or their agent;
4. Creation of and approval of Developer's Agreement and O & M Agreement in form and satisfaction acceptable to the Borough of Vandergrift;
5. Preparation of and acceptance of a Financial Security Agreement required for the Storm Water Management Plan, in form and substance acceptable to the Borough of Vandergrift;
6. Application for an Borough driveway access permit subject to review and approval by the Engineer of the Borough of Vandergrift;
7. Submission of notification from the Borough of Vandergrift to the Borough of East Vandergrift regarding the development and storm water plan to be completed by the Engineer of the Borough of Vandergrift;
8. Applicants must comply with all truck traffic flow plans as set forth in the plans submitted and appropriate signage must be installed, by Applicants, restricting truck idling in accordance with Pennsylvania law;
9. Applicants must restrict all truck traffic in a manner that will not direct traffic from the site to the intersection of Walnut Street and Hancock Avenue to avoid damage to curb at the intersection of Franklin Avenue and Walnut Street due to the severity of the curve of the street at said location;
10. Applicants shall comply with all plan drawings as identified as Plan Drawing C-200A;
11. Applicants shall obtain, at their own cost and expense, all road occupancy permits and shall facilitate, at their own cost and expense, the removal and replacement of the existing telephone pole and all utilities in a manner which will have no negative impact upon the neighborhood or district in which the property is located, but will serve the necessity of removing the existing utility pole from the proposed parking lot as set forth in Plan Drawing C-200A;
12. Applicants must comply with all parts and provisions of the decision of the Zoning Hearing Board of the Borough of Vandergrift (Decisions of June 28, 2018 an August 27, 2018);
13. Applicants must comply with all parts and portions of the Storm Water Management Plan;
14. Under and subject to the grant of an easement to the Applicants to the Municipal Authority of Westmoreland County regarding property adjacent to the subject lots, pieces or parcels of land;

15. Under and subject to the lighting plan to be approved by the Engineer of the Borough of Vandergrift which provides for a no-glare lighting plan;

16. Subject to compliance with Act 247; and,

17. No amendment of any plans shall be permitted absent further action by the Planning Commission of the Borough of Vandergrift and/or as required, the Zoning Hearing Board of the Borough of Vandergrift under and through the review of the Engineer of the Borough of Vandergrift.

HAVING RESOLVED, this resolution this 4<sup>th</sup> day of September, 2018 at Vandergrift, Pennsylvania.

BOROUGH OF VANDERGRIFT

BY: Kathleen Chvala  
KATHLEEN CHVALA,  
Council President

ATTEST:

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

APPROVED:

Barbara Turiak  
BARBARA TURIAC, Mayor



GENERAL RELEASE OF LIABILITY AND CLAIMS

I, Erin Frances Brady Martier and Joseph Victor Martier, of 411 Hancock Avenue, Vandergrift, Westmoreland County, Pennsylvania 15690, (hereinafter referred to as RELEASORS), this hereby fully completely, and without limitation, release the Borough of Vandergrift, its council, professionals, agents, servants, employees, their successors and assigns of 109 Grant Avenue, Vandergrift, Pennsylvania, 15690 (hereinafter referred to as RELEASEE) from any and all claims of any type, kind, or sort as associated with tree issues on my property at the address identified above.

For and in consideration of the sum of \$185.00, paid and acknowledged, to the RELEASORS, under the terms of this agreement, consideration as requested by the RELEASORS, being deemed sufficient, this hereby release and forever discharge RELEASEE from any and all claims of any type, kind, or sort including, but not limited to, demands, damages, actions, causes of action or suits of any kind or nature whatsoever, which RELEASORS do now have or may hereafter acquire, arising out of, or in any way relating to the damages claimed associated with my trees as from an event and action dated July 23, 2018.

It is understood and agreed that this agreement is made and received in full and complete settlement and satisfaction of any claims, demands, cause of action or otherwise, that the RELEASORS may raise, now or anytime in the future, and contains the entire agreement between the parties and that the terms of this agreement are contractual and not merely recital. Furthermore, this release shall be binding upon the RELEASORS, their personal representatives, executors, administrators, agents, successors, and assigns. This release shall be governed and be subjected to the laws of the Commonwealth of Pennsylvania.

THIS RELEASE HAS BEEN READ AND FULLY UNDERSTOOD BY THE UNDERSIGNED. RELEASOR HAS HAD THE OPPORTUNITY TO REVIEW WITH THE ATTORNEY OF THEIR CHOICE.

IN WITNESS WHEREOF, and intending to be legally bound hereby, the RELEASORS do hereby set their hands and seals this \_\_\_ day of August, 2018:

Sydney Mastard  
WITNESS

Erin Frances Brady Martier  
ERIN FRANCES BRADY MARTIER

Sydney Mastard  
WITNESS

Joseph Martier  
JOSEPH VICTOR MARTIER

Mr. Maszgay questioned whether he can call West Penn Power for the purpose of having certain trees trimmed by the power company.

Solicitor Loperfido recommended that Mr. Maszgay be at the site when West Penn Power is trimming any of the Borough trees.

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

#### GENERAL GOVERNMENT REPORT:

President Chvala stated that Erin Brady Martier has executed a General Release of Liability and Claim against the Borough regarding the damage to her tree. She stated that the Borough hereby agrees to pay \$185.00. (See Page 5-A)

A motion was made by Mr. Collini, second by Mrs. Wilson, to approve the payment of the aforementioned matter. Motion carried.

#### RECREATION REPORT:

Chairman Basile stated that the Vandergrift Pool has closed. He stated that he would like help in shutting the pool down for the season.

Mr. Basile requested that Council consider favorably on approving a skate park with the former tennis court area. He stated that he has discussed this matter with Borough's insurance carrier, of whom has indicated the following recommendations:

1. The cost to add coverage to insurance policy will be about \$1,500.
2. Uneven pavement areas need to be repaired.
3. Equipment must be permanently attached.
4. Insurance companies typically like the jumps to be professionally installed to limit the number of accidents and claims.

A motion was made by Mr. Collini, second by Mr. Maszgay, to approve the aforementioned matter, subject to complying with insurance recommendations and site to be closed during inclement weather conditions. Motion carried.

A motion was made by Mr. Maszgay, second by Mr. Basile, to approve the V.I.P's request to use the Franklin Playground Park for the "Great Pumpkin" event. Motion carried.

A motion was made by Mr. Maszgay, second by Mr. Basile, to approve the No. 1 Fire Department's request to the Franklin Playground for a "Party in the Park" on October 13<sup>th</sup>. Motion carried.

A motion was made by Mr. Collini, second by Mrs. Wilson, to accept the Recreation Report. Motion carried.

SOLICITOR'S REPORT:

Solicitor Loperfido stated that he will need an executive session of Council for the purpose of discussing a litigation and personnel issues.

Solicitor Loperfido presented for adoption Ordinance No. 1-2018, regarding occupancy permits. (See pages 6-A to 6-D)

A motion was made by Mr. Basile, second by Mr. Maszgay, to adopt Ordinance No. 6-2018. Motion carried.

Solicitor Loperfido presented for adoption Resolution No 7-2018, establishing rules for public meetings. (See page 6-E)

A motion was made by Mr. Basile, second by Mr. Collini, to adopt Resolution No. 7-2018. Motion carried.

Solicitor Loperfido stated that idling vehicles over 10,000 lbs. are limited to a period of five (5) minutes and that signage referring to this matter is need. He suggested the placement of a sign at Linden & Walnut Streets and at Kennedy Way and Walnut Street.

A motion was made by Mrs. Wilson, second by Mr. Collini, to approve the aforementioned matter. Motion carried.

Solicitor Loperfido referred to a letter received from Deborah Chiado, Director of the County Tax Office, regarding a bid by the County Landback of \$0.00 for the property located at 146 Washington Avenue. (See page 6-F)

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

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

UNFINISHED BUSINESS

None

NEW BUSINESS:



**BOROUGH OF VANDERGRIFT**

**ORDINANCE NO. 1 OF 2018**

**AN ORDINANCE OF THE BOROUGH OF VANDERGRIFT, COUNTY OF WESTMORELAND, AND COMMONWEALTH OF PENNSYLVANIA AMENDING CHAPTER 317 OF THE CODE OF THE BOROUGH OF VANDERGRIFT, OCCUPANCY PERMITS, PROVIDING FOR A PERMITTED NOTIFICATION BY THE BOROUGH OF VANDERGRIFT TO PERMIT A REAL ESTATE SETTLEMENT ON A LOT, PIECE OR PARCEL OF LAND WITHOUT ISSUANCE OF A FINAL OCCUPANCY PERMIT SUBJECT TO CONTINUED PERMITTING REQUIREMENTS.**

WHEREAS, the Borough of Vandergrift has enacted Code Chapter 317, Occupancy Permits, which requires an inspection by the Borough of Vandergrift, or a contractor on their behalf, and the issuance of an occupancy permit before the subject property may be occupied; and,

WHEREAS, the Borough of Vandergrift believes that there are circumstances, specifically associated with properties in foreclosure and properties that have been vacant for an extended period of time, which will require, in cases, extensive rehabilitation, which shall necessitate substantive repairs prior to the issuance of an occupancy permit to permit resident or commercial occupants within the structure or structures in question;

NOW THEREFORE, the Borough of Vandergrift does hereby ORDAIN and ENACT the following amendments to Chapter 317 of the Code of the Borough of Vandergrift:

**Section 317-3 – Application for Occupancy Permit (A)**

The provisions of Section 317-3(A) of the Code of the Borough of Vandergrift shall be deleted, in full, and shall be replaced with the following language:

317-3(A) – The owner, or his or her lawful agent, shall be required to secure an occupancy permit as set forth in Section 317-2 (above) and shall notify the Office of the Borough Secretary of the Borough of Vandergrift of the date upon which such change in ownership shall take place by and through the transfer of a deed for the property in question. Thereafter, and upon proper application and payment of all fees to the Borough of Vandergrift, an authorized representation of the Borough of Vandergrift shall inspect the structure involved within fourteen (14) days of the

date of the presentation of the application and payment for the same subject to the requirement that the application shall be reviewed and approved prior to acceptance as an incomplete application shall be rejected. It is further provided that any circumstance where the transferee of the property does not intend to seek occupancy for human occupation (residential or commercial) immediately, as a result of necessary rehabilitation, restoration or improvements, said transferee shall file with the Borough of Vandergrift a request for a clear to close, but not occupy approval, which said application shall be presented to the Borough of Vandergrift, not less than five (5) business days prior to an intended transfer of the deed from the transferor to the transferee and shall be subject to review and approval by the UCC Code Enforcement Officer as designated by the Borough of Vandergrift, prior to the issuance of an authorization identified as a clear to close, but not occupy, clearance.

### Section 317-3(B)

The provisions of Section 317-3(B) of the Code of the Borough of Vandergrift shall be deleted, in full, and shall be replaced with the following language:

Section 317-3(B) – Each and every application for building permit shall necessitate to filing of either a request for occupancy permit or a request for a clear to close, but not occupy clearance and every request for a lien clearance letter, from the Borough of Vandergrift shall be accompanied with either a request for occupancy permit application form or a request for clear to close, but not occupy clearance letter to be issued by the Borough of Vandergrift following the review as identified in Section 317-3(A) above.

Section 317-3(B)(1) - In circumstances requesting an Occupancy Permit, unless otherwise requested in advance, upon submission of an application for occupancy permit, the Borough of Vandergrift shall schedule an inspection pursuant to the terms set forth in Section 317-3(A) above, within the time limits identified therein. Under circumstance where a clear to close, but not occupy clearance is requested the same shall be reviewed by the UCC Code Enforcement Officer as designated by the Borough of Vandergrift, pursuant to the time limits set forth in Section 3173(A) above, and, upon approval, a letter shall be issued by the Borough of Vandergrift to the realtor and/or closing agent for the transferee notifying of the Borough's decision in either granting or denying the request for a clear to close, but not occupy clearance letter. If denied, the Borough of Vandergrift shall set forth specific reasons for denial based upon a variety of factors including, but not limited to, review by the Borough Engineer, review by the Code Enforcement Officer, review by the Borough Solicitor or review by the Vandergrift Borough Police or Fire Departments of the Borough of Vandergrift. Reasoning for the denial shall be set forth clearly. Any aggrieved person may file an appeal to the Council of the Borough of Vandergrift who shall schedule a hearing, within sixty (60) days of the request for a hearing, said hearing to be held as a public hearing before the Council of the Borough of Vandergrift. Applicant for such an appeal shall pay, at the time of application, a fee of \$850.00 which said amount shall be utilized by the Borough of Vandergrift to cover necessary advertising costs and administrative costs. Said fee

may be amended, from time to time hereafter, by resolution of the Council of the Borough of Vandergrift.

Section 317-3(B)(2) - If the request presented is for an occupancy permit, upon successful completion of the inspection process, a denial shall be issued if issues arise in the inspection process which would require resolution of the same prior to occupancy. The UCC Code Enforcement Officer shall be permitted to extend, a period of thirty (30) days, for completion of necessary repairs or renovations and to schedule a re-inspection. Upon successful completion of the re-inspection process, an occupancy permit shall be issued. The Borough of Vandergrift may issue a building permit, as deemed necessary, to complete any necessary repairs or renovations; however, under no circumstance shall the issuance of a building permit allow any form of temporary occupancy of the structure. Occupancy of the structure shall not be permitted, under any circumstance, absent a valid, executed occupancy permit. If the Borough of Vandergrift approves a clear to close but not occupy, the property shall be posted with a notice indicating that the property has been cleared for transfer from a transferor to a transferee but is not registered or approved for occupancy. Said notice to be placed prominently on the front of the structure and shall remain on the structure until such time as the property has been subjected to a full occupancy inspection for occupancy permit and until the same has been granted and issued upon payment of all costs and fees, by the Borough of Vandergrift.

**Section 317-3(E)**

An application for a clear to close but not occupy permit shall disclose, at minimum, the following information:

- (1) Name and address where mail may be received by the applicant for the occupancy permit.
- (2) Intended owner of the structure requesting the occupancy permit.
- (3) If for an intended rental unit, an indication that a rental licensing inspection will be required (the same may be conducted simultaneously with the occupancy permit inspection).
- (4) Total number of rooms in the building.
- (5) Total number of full or partial bathrooms in the building.
- (6) Total number of full or partial kitchen facilities in the building.
- (7) Reason for request for clear to close but not occupy.
- (8) Applications for clear to close but not occupy must be accompanied with a check made payable to the Borough of Vandergrift in the amount of \$50.00 which said amount may be amended from time to time hereafter by

Resolution of the Council of the Borough of Vandergrift and which shall be considered a separate fee from any request for an occupancy inspection/occupancy permit.

**Section 317-3 (F) – Repealer:**

Any part or provision of any other Ordinance which conflicts with the provisions of this Ordinance shall be repealed to the extent that they conflict herewith.

**Section 317-3 (G) – Severability:**

If any sentence, clause, section or part of this Ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutional, illegal or invalid part or portion shall be removed and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared that it is the intent of the Borough of Vandergrift that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herewith.

**Section 317-3(H) – Effective Date:**

This Ordinance shall be effective immediately upon enactment.

THIS ORDINANCE BEING ORDAINED AND ENACTED THIS 4<sup>th</sup> DAY OF SEPTEMBER, 2018, BY THE COUNCIL OF THE BOROUGH OF VANDERGRIFT AT A PUBLIC MEETING OF VANDERGRIFT BOROUGH COUNCIL, IN VANDERGRIFT, PENNSYLVANIA.

**BOROUGH OF VANDERGRIFT**

BY: Kathleen Chvala  
KATHLEEN CHVALA,  
Council President

ATTEST:

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

APPROVED:

Barbara Turiak  
BARBARA TURIK, Mayor

RESOLUTION 7 OF 2018

6-8

A RESOLUTION OF THE BOROUGH OF VANDERGRIFT, COUNTY OF WESTMORELAND AND COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING RULES FOR PUBLIC MEETINGS OF THE COUNCIL OF THE BOROUGH OF VANDERGRIFT, IN ORDER TO PERMIT THE PUBLIC MEETINGS OF THE COUNCIL OF THE BOROUGH OF VANDERGRIFT TO PROCEED IN AN ORDERLY AND EFFICIENT MANNER.

WHEREAS, the Council of the Borough of Vandergrift must conduct public meetings and transact the business of the Borough in a public manner; and,

WHEREAS, the Council desires to conduct its meetings in an orderly and efficient manner and, in the course of doing so, receive input from residents of the Borough in accordance with the requirements of the Sunshine Act 65 Pa.C.S. §701, et seq. which requires agencies to deliberate and take official action on agency business in an open and public meeting setting;

NOW THEREFORE, the Council of the Borough of Vandergrift does hereby resolve to establish the following rules, by resolution, to be amended, from time to time hereafter, by subsequent resolution of the Council of the Borough of Vandergrift;

RESOLVED, that the Borough of Vandergrift establishes a time limit for public comment for each individual, on relevant topics, at three (3) minutes per commenter which time, shall include an opportunity to pose questions to the Council of the Borough of Vandergrift to be considered and deliberated upon, by the Council, in a manner on a schedule deemed appropriate by the Council of the Borough of Vandergrift;

RESOLVED, that the Council shall establish a period of time, for public comment, during public meetings, to be scheduled, when convenient, following the roll call of the members present of the Council of the Borough of Vandergrift; provided however, that the Council reserves the right to alter the time for public comment, but shall provide an opportunity, for public comment, at all public meetings, of the Council of the Borough of Vandergrift, which are scheduled in accordance with the requirements of the Pennsylvania Sunshine Act;

RESOLVED at Vandergrift, Pennsylvania this 4<sup>th</sup> day of September, 2018.

BOROUGH OF VANDERGRIFT

BY: Kathleen Chvala  
KATHLEEN CHVALA,  
Council President

ATTEST:

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

APPROVED:

Barbara Turiak  
BARBARA TURIK, Mayor

Ted Kopas  
Commissioner

Gina Cerilli  
Chairman

6-F  
Charles W. Anderson  
Commissioner

# Westmoreland County Pennsylvania

REAL ESTATE  
TAX OFFICE  
Director

Deborah T. Chiado  
Telephone: 724-830-3420  
Fax: 724-853-4628



Deputy Director  
JoAnn Sebastiani  
Telephone: 724-830-3422

Date: August 29, 2018

To: Borough of Vandergrift  
109 Grant Avenue  
Vandergrift, PA 15690

Gentlemen:

A bid has been received by the Westmoreland County Tax Claim Bureau to purchase a property in your taxing district that is presently in the Unsold Property Repository pursuant to Section 627 of the Real Estate Tax Sale Act (72 P.S. 627).

Section 627 requires the written consent of each taxing district where the property is located prior to the sale. No taxing district may unreasonably withhold its consent to the sale of the property.

The information concerning the proposed sale is as follows:

Tax Map No: 37-01-06-0-027

Property Address: 146 Washington Ave., Vandergrift

Property Owner: Ernest Sipolino

Amount of Bid: 0.00

Please bear in mind that a property is placed in the Repository after it has been exposed to the annual public sale and at least one judicial sale proceedings. Most often, the reason that the property has not been sold is because the amount of the delinquent taxes and judgments of record far exceed the market value of the property. In addition, as long as the property is held in the Repository, it does not generate any real estate taxes.

Accordingly, please take action at your public meeting with regard to this request for consent. Please indicate your consent by countersigning this letter and returning it to this office within 40 days. We must have written consent in order to proceed to place this property back on the tax rolls and for your district to receive tax dollars.

Very truly yours,

PROSPECTIVE BUYERS:

The Westmoreland County Land Bank  
40 N. Pennsylvania Ave, 5<sup>th</sup> floor, Ste 520  
Greensburg, PA 15601

A handwritten signature in cursive script that reads "Deborah T. Chiado".

Deborah T. Chiado  
Director, Tax Office

CONSENTING: Kathleen Chuala - Council President

In regards to the Robert Kirkland banner placed on the light pole at the Municipal Building, Mr. Rametta stated that it should come down. He explained that the initial purpose of these banners was to honor veterans only.

A motion was made by Mr. Rametta second by Mr. Collini to reaffirm the original approval of Council that the banners should only reflect veterans and that the Robert Kirkland banner should come down,

At this Mr. Masgay called for Roll Call Vote on the aforementioned motion,

The Secretary call the following roll call vote:

Mrs. Wilson – Yes

Mr. Sciuillo - Absent

Mrs. Chvala – Yes

Mr. Maszgay – No

Mr. Basile – Yes

Mr. Collini – Yes

Mr. Rametta – Yes

The Secretary stated that the motion on the floor passed, with 5 members voted yes, 1 voted no, and 1 member absent.

President Chvala Stated that we would love to have a group come forward for us to work with and honor the First Responders EMS personnel in the borough with their own venue to represent them. Whether a banner or a plaque, whatever venue chosen to honor them.

At 8:30 pm, a motion was made by Mr. Rametta, second by Mr. Collini to call an executive session for the purpose of discussing a litigation and personnel matter. Motion carried.

At 8:52 pm, a motion was made by Mr. Rametta, second by Mr. Collini, to return to the regular of business, and to state that no action was taken during the executive session. Motion carried.

#### ADJOURNMENT:

A motion was made by Mr. Rametta, second by Mr. Maszgay, to adjourn the meeting. Motion carried.

The meeting was adjourned at 8:53 pm.