

BOROUGH OF VANDERGRIFT
MINUTES OF THE VANDERGRIFT COUNCIL MEETING

June 3, 2024

The Council of the Borough of Vandergrift met in the Council Chambers of the Municipal Building at 7:00 pm, with Vice Preside Wilson presiding. The Pledge of Allegiance was recited.

MEMBERS PRESENT:

Jody Sarno	Daisha Clayton
Marilee Kessler	Rae Ann Bruner
Christine Wilson	

OTHER OFFICIALS:

Shae Kraft, Solicitor	Stephen J. DelleDonne, Secretary
Lucian Bove, Engineer	Theresa Geltz, Assistant Secretary

MINUTES:

The Minutes of the May 6, 2024 meeting were approved by motion of Ms. Clayton, second by Mrs. Kessler. Motion carried.

VISITORS:

A motion was made by Ms. Bruner, second by Mrs. Kessler, to hear from visitors at this time. Motion carried.

Nicole Reed, 310 Beech Street, thanked Council for the help given towards the "Gathering on Grant" event. She also requested a clarification of having Porta-johns during this event. She stated that one business and one church has offered their restrooms during the event.

Ms. Bruner stated that a letter from the above should be provided to state that their restrooms would be available.

MESHALL

Allison

Ember Francisca

Jaco Aiden

Arman

Lasob Aaron

August

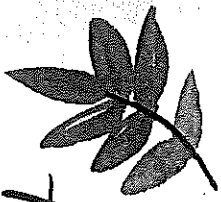
Miesha L.

marlee

Olivia
Domiano

Nea 1 a B.

Evee
Addie
Lanaw



The nice things you do
are always appreciated.

Kessell
Domiano

Andrew
Amarri

Ellybeth
Dorothy

Thank you so much

Naran

cameron
Zsiga

Rylee
Leo
Olivia
Gavin
Sofia
Thomas

Hunter
Elias

Rachel
M. E.

Hennedy
Brooklyn
Lukey

Jacob

Oliver

Aurora

Kasson
Janeyah
Volany
Happy
Sawyer
Elianna

Isabelle

Project

addee

lily

Eric Poydence, 99 Longfellow Street, stated that he is having problems with abandoned vehicles, drug deals and a registered pedifile interacting with children, and nothing is being done.

Don Detar, 213 Lowell Street, complained about the speeding on Lowell Street.

Rylee Hannigan, 188 Washington Avenue, presented a thank you card on behalf of the 4th Graders at East Primary School for using the Vandergrift Pool at no charge.

A motion was made by Mrs. Kessler, second by Ms. Clayton, to return to the regular order of business. Motion carried.

OPENING OF BIDS:

At this time, the Secretary opened and read aloud bids received regarding the Olmsted Commons Development Project. (See attached bid tabulation bid sheet: See page 2-A & 2-B)

The Secretary stated that bids were turned over to the Engineer for review with no action at this time by Council

MAYOR'S REPORT:

No Report

SECRETARY'S REPORT:

The Secretary presented a letter from the Westmoreland County Department of Planning & Development regarding approval of the 2024 Community Development Block Grant (CDBG) Program. He stated that the Borough has been approved funding of \$160,405.00 for street reconstruction of portions of Longfellow St. and Bryant Street. (See page 2-C & 2D)

A motion was made by Ms. Clayton, second by Mrs. Kessler, to accept the aforementioned grant. Motion carried.

A motion was made by Ms. Bruner, second by Ms. Clayton, to accept the Secretary's Report. Motion carried.

CODE OFFICER'S REPORT:

The Secretary reported that the Code Officer issued 39 notice violations and filed 4 citations at the Magistrate's Office.

A motion was made by Ms. Clayton, second by Mrs. Kessler, to accept the Code Officer's Report. Motion carried.

VANDERGRIFT BOROUGH
2024
OLMSTED COMMONS PARK DEVELOPMENT PROJECT
Using
DCNR Grant Funds and Borough Funds
Project No. 2020-500
BID TABULATION
Bids Opened: Monday, June 3, 2024
BID "A" General Construction Work

ITEM	DESCRIPTION	Bidder Name:		Public Works Verification Form:		Non-Collusion Affidavit:						
		1	2	3	4	5						
A1	Erosion & Sedimentation Controls, Constr. Fence & Signs	MURIN & MURIN, INC.	JOHN ZOTTOLA LANDSCAPING INC.	HET CONTRACTING CORP.	SILVIS GROUP	DUNRITE CONSTRUCTION & PAVING, LLC						
A2	Earthwork (fill to meet required subgrade elevations)	1	2	3	4	5						
A3	Infiltration Trench with Underdrain Pipe, Cleanouts & Covers	1	2	3	4	5						
A4	Rain Garden #1 Construction (4'10" W x ±20' L x 3' D)	1	2	3	4	5						
A5	Rain Garden #2 Construction (4'12" W x ±30' L x 3' D)	1	2	3	4	5						
A6	Concrete Sidewalk Removal for Washington Ave. Tree Pits	1	2	3	4	5						
A7	18" Wide Decorative Pavement Strip along Curbs at Tree Pits	1	2	3	4	5						
A8	Accessible Walkways & Pads for Murals, Benches & Shelter	1	2	3	4	5						
A9	Monolithic Curb & Sidewalk	1	2	3	4	5						
A10	ADA Ramps and Truncated Dome Panels	1	2	3	4	5						
A11	Reinforced Concrete Steps with Galvanized Steel Railing	1	2	3	4	5						
A12	Segmental Block Retaining Wall (43.5 Feet High)	1	2	3	4	5						
A13	Reinforced Concrete Curbing	1	2	3	4	5						
A14	Event Space Permeable Pavement	1	2	3	4	5						
A15	Bituminous Alley Pavement Widening	1	2	3	4	5						
A16	Finish Grading, Topsoil, Seed & Mulch	1	2	3	4	5						
A17	Wheel Stops (Reinforced Precast Concrete Parking Bumpers)	1	2	3	4	5						
A18	ADA Reserved Parking Sign w/ Van Accessible Placard	1	2	3	4	5						
A19	White on Blue ADA Parking Symbol Pavement Marking	1	2	3	4	5						
A20	4" White Reflective ADA Parking Space & Aisle Pymnt. Markings	1	2	3	4	5						
A21	Steel Park Shelter (Pavilion / Amphitheater)	1	2	3	4	5						
A22	Unlisted Commons Funding Assistance DCNR Sign	1	2	3	4	5						
Bid "A" Total:		\$276,420.00	\$341,383.00	\$344,426.50	\$386,944.30	\$392,920.50						
Alternates												
A14 Alt 1	Event Space Permeable Asphalt Pavement	6,850 SF	\$10.00	\$68,500.00	\$13.15	\$87,447.50	\$8.08	\$53,792.00	\$8.73	\$58,054.50	\$12.30	\$81,795.00
Bid "A" Total Using A14 Alternate 1:		6,850 SF	\$249,820.00	\$68,500.00	\$354,018.00	\$87,447.50	\$287,476.80	\$58,054.50	\$357,343.00	\$81,795.00		
A14 Alt. 2	Event Space Asphalt Pavement	6,650 SF	\$9.00	\$59,850.00	\$11.50	\$76,475.00	\$7.36	\$48,944.00	\$7.92	\$52,688.00	\$9.30	\$61,845.00
Bid "A" Total Using A14 Alternate 2:		6,650 SF	\$243,170.00	\$59,850.00	\$343,045.50	\$76,475.00	\$252,058.00	\$48,944.00	\$282,090.30	\$61,845.00		

No bids were received for Bid "A" from: Vermont Stone & Horticulture, W&G Land Co. LLC, IE Power LLC, CH&D Enterprises Inc. and Graham Construction

J-B

VANDERGRIFT BOROUGH
2 0 2 4
OLMSTED COMMONS PARK DEVELOPMENT PROJECT
 Using
DCNR Grant Funds and Borough Funds
 Project No. 2020-500

BID TABULATION
Bids Opened: Monday, June 3, 2024

BID "B" Park Amenities

ITEM	DESCRIPTION	QTY	UNIT	1		2		3	
				UNIT COST	PRICE	UNIT COST	PRICE	UNIT COST	PRICE
				Bidder Name:		JOHN ZOTTOLA LANDSCAPING INC.		SILVIS GROUP	
Bid Bond:		Yes		Yes		Yes			
References:		Yes		Yes		Yes			
Public Works Verification Form:		Yes		Yes		Yes			
Non-Collusion Affidavit:		Yes		Yes		Yes			
Bid "B" Total:		\$32,460.00		\$38,099.70		\$48,500.00			

No bids were received for Bid "B" from: Vermont Stone & Horticulture, WG Land Co. LLC, IE Power LLC, CH&D Enterprises Inc., Graham Construction, Murin & Murn Inc. and HET Contracting Corp.

BID "C" Electrical Work

ITEM	DESCRIPTION	QTY	UNIT	1		2	
				UNIT COST	PRICE	UNIT COST	PRICE
				Bidder Name:		DUN RITE CONSTRUCTION & PAVING, LLC	
Bid Bond:		Yes		Yes			
References:		Yes		Yes			
Public Works Verification Form:		Yes		Yes			
Non-Collusion Affidavit:		Yes		Yes			
Bid "C" Total:		\$55,850.00		\$60,704.08			

No bids were received for Bid "C" from: Vermont Stone & Horticulture, WG Land Co. LLC, CH&D Enterprises Inc., Graham Construction, Murin & Murn Inc., Silvis Group, John Zottola Landscaping Inc. and HET Contracting Corp.

SUMMARY OF LOWEST BIDS USING BASE BID

Bid "A"	MURIN & MURN, INC.	\$276,420.00
Bid "B"	JOHN ZOTTOLA LANDSCAPING INC.	\$32,460.00
Bid "C"	DUN RITE CONSTRUCTION & PAVING, LLC	\$55,850.00
	TOTAL PROJECT	\$364,730.00

SUMMARY OF LOWEST BIDS USING A14 Alt. 1

Bid "A"	MURIN & MURN, INC.	\$249,820.00
Bid "B"	JOHN ZOTTOLA LANDSCAPING INC.	\$32,460.00
Bid "C"	DUN RITE CONSTRUCTION & PAVING, LLC	\$55,850.00
	TOTAL PROJECT	\$338,130.00

SUMMARY OF LOWEST BIDS USING A14 Alt. 2

Bid "A"	MURIN & MURN, INC.	\$243,170.00
Bid "B"	JOHN ZOTTOLA LANDSCAPING INC.	\$32,460.00
Bid "C"	DUN RITE CONSTRUCTION & PAVING, LLC	\$55,850.00
	TOTAL PROJECT	\$331,480.00

Douglas W. Chew
Vice-Chairman

Sean Kertes
Chairman

2-c
Ted Kopas
Secretary

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



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

May 29, 2024

Vandergrift Borough
109 Grant Ave.
Vandergrift, PA 15690

Re: Fiscal Year 2024 Westmoreland County
Community Development Block Grant (CDBG) Program

Dear Municipal Officials:

This letter is to advise you that Vandergrift Borough has been selected to be included in Westmoreland County's 2024 CDBG Program. *Pending approval* by the Westmoreland County Commissioners and the U.S. Department of Housing and Urban Development (HUD), the following project will be funded as follows:

Activity: Street Reconstruction of portions of Longfellow St. and Bryant St.
Amount Funded: \$160,405.00

Please note that it must not be assumed that additional CDBG funds will be provided if the Project **Amount Funded** is exceeded during the bid process or in construction. You are requested to make every effort to keep project costs within the funded amount. It is recommended to include *alternates* in the bid proposal as a means of controlling costs. It should be noted that any project revisions that would affect the project's beneficiaries, could affect the project's overall eligibility.

You and/or your engineer are required to contact this office for approval at every step in the process to ensure compliance with the federal requirements attached to the CDBG funding. This includes (prior to advertising) submission of a request for federal prevailing wage rates, a copy of the bid advertisement, plans and specifications (in a HARD COPY paper format); bid tabulation, contracts, bonds, etc. Failure to do so could jeopardize the project's eligibility.

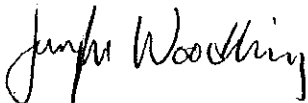
Your project is part of the 2024 Annual Action Plan which has been submitted to HUD, however HUD grant funding will not be available for several months. Do **NOT** award a CDBG-funded construction contract or authorize a material purchase prior to notification by this office.

You may consider this letter as a "letter of no prejudice" whereby you may begin preliminary work, such as the engineering design required to initiate the bidding process. However, this project may not be advertised for bid until a Subrecipient Agreement has been approved and executed with the County. None of the preliminary costs are covered by the CDBG grant. You must contact Amanda McDivitt at 724.830.3651 or at (amcdivit@co.westmoreland.pa.us) before any engineering or design work is initiated.

Please confirm your acceptance of this conditional grant offer by signing below and returning a copy of both pages to my attention at *Westmoreland County Department of Planning & Development, 40 N. Pennsylvania Avenue, Fifth Floor, Suite 520, Greensburg, PA 15601* no later than June 14, 2024. When HUD issues a grant agreement to Westmoreland County, a Subrecipient Agreement will be approved by the Commissioners and forwarded to you for signature.

Should you have any questions, please do not hesitate to contact this office.

Sincerely,



Jennifer Woodling
Grants Coordinator III

GRANT ACCEPTANCE

Signature

Printed Name / Title

UEI Number

FEIN Number

COMMUNICATIONS & CORRESPONDENCE:

Exhibit 1-A: Solicitor Shea Kraft.

Subject: Reorganization of the Vandergrift Planning Board and also to see if Patricia Sciuillo intends to submit her resignation from the Board.

Exhibi 2-A: Dante Celliti, chairman of the Vandergrift Planning Commission.

Subject: Notice that the Vandergrift Planning Commission has approved the Sub-division application of Larry Lopefito and Kathleen Englert.

Solicitor Kraft stated that a resolution regarding this matter will be presented under his Report.

REGULAR & STATED BILLS:

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

STREET & SANITATION REPORT:

Chairperson Wilson reported that her Department repaired the pool parking lot with road millings and also power washed the pool liner.

Mrs. Wilson stated that the Department trimmed low hanging tree limbs on various streets.

Mrs. Wilson requested that Council approve the advertisement for bids to perform patching work on portions of Florida Avenue and 35th Street using Liquid Funds.

A motion was made by Mrs. Kessler, second by Ms. Clayton, to approve the advertising for bids on the aforementioned matter. Motion carried.

ENGINEER'S REPORT:

Engineer Bove presented and reviewed his report and commented on specific items. (See 3-A)

#3. He stated that he submitted a sewer inspection for Columbia Parking Lot Project to PennDot.

#5. He stated that the KVL proposed building at Kennedy Park in on hold.



Exhibit 2-A

Larry D. Loperfito, Esquire
Alaine G. Generelli, Esquire

Shea M. Kraft, Esquire

Email Address:
smk@gllawyers.com

159 Lincoln Avenue
Vandergrift, PA 15690
Phone: (724) 568-3694
Fax: (724) 568-2500

May 23, 2024

Vandergrift Borough
109 Grant Avenue
Vandergrift, PA 15690

IN RE: Planning Commission

Dear Mr. DelleDonne:

Please be advised that the Planning Commission met at the May 2024 regularly scheduled and advertised meeting on May 13, 2024. This was their first planning meeting of the year based upon applications that have been presented to the Board. The Board reorganized at the meeting. Dante Cellitti was named Chairman. Sherry Grazilus was named Vice-Chair of the Board for 2024.

During the Planning Commission meeting, Doris Miller also indicated that she heard from Patricia Sciallo regarding her position on the Planning Commission Board. Ms. Miller indicated that Patricia Sciallo intends to submit her resignation to leave her position on the Planning Commission. I would recommend that the Borough make efforts to contact Mrs. Sciallo and confirm whether or not she intends to continue to serve on the Planning Commission Board. In the event that she is not intending to continue serving in this role, the Borough should request that she submit of a written letter of resignation to the Borough.

Please be advised that should Patricia Sciallo resign from the Planning Commission Board, this will create two vacancies on the Board. I recommend that the Council announce and post on the website an opening for two Planning Commission members.

I thank you for your attention to this matter.

Very truly yours,


SHEA M. KRAFT

SMK/slk

Exhibit 2-17

*Vandergrift Borough Planning Commission
109 Grant Avenue
Vandergrift, PA 15690*

May 23, 2024

Vandergrift Borough
109 Grant Avenue
Vandergrift, PA 15690

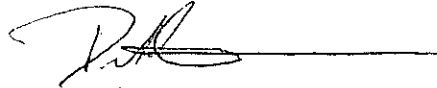
**IN RE: Application of Larry D. Loperfито and Kathleen Englert
 Date of Hearing: May 13, 2024**

Dear Mr. DelleDonne and Members of Council:

Please be advised that the Planning Commission met on May 13, 2024 to hear the Subdivision Application request of Larry D. Loperfито and Kathleen Englert. Following the review of this matter and a review of the Planning Code of the Borough of Vandergrift, the Planning Commission of the Borough of Vandergrift granted the Subdivision request of the applicants. We have directed the assistant solicitor to prepare a proposed Resolution for approval by the Council and recommend that the Council approve the same and execute the mylar and related plan documents at the Council meeting scheduled for June 3, 2024.

We thank you for your consideration of this matter.

Very truly yours,



DANTE CELLITTI, Chairman

Engineer agenda items for June 3, 2024

To Stephen DelleDonne <vgborosec@comcast.net> • Tom Holmes <tomholmes@vandergriftborough.com> Copy
 Larry Loperfido <ldl@gllawyers.com> • Shea M Kraft Esquire <smk@gllawyers.com> •
 Christine Wilson <christinewilson1782@gmail.com> • Marilee Kessler <marileekessler@vandergriftborough.com> •
 Daishaclayton <daishaclayton@vandergriftborough.com> • Johnuskuraitis@vandergriftborough.com •
 jodysarno@vandergriftborough.com • Lenny Collini <lennycollini@vandergriftborough.com> •
 raeannbruner@vandergriftborough.com

Ladies and Gentlemen,

Please see my requested agenda items below for the Monday, June 3, 2024 Council meeting:

1. **2024 CDBG Project** – Awaiting County Approval. PNG Conflict
2. **Olmsted Commons Park Development Project** – Open & Accept/Award Bids
3. **Columbia Avenue Parking Lot Rain, Gardens & Tree Pits** - Sewer Insp.
4. **Sidewalk Encroachment and Occupancy Request**
5. **KVL Proposed Building** – Discuss
6. **Subdivision Plan Approval** – Plan approved by Planning Commission 3-13-2024
7. **Grant Avenue & McKinley Street & ADA Ramp Reconstruction** (DCED Grant)
8. **Ninth Street Retaining Wall Replacement Project** (DCED Grant)
9. **Liquid Fuel Street Resurfacing** – Authorization to advertise
10. **2022 CDBG Project - Contractor DP Case 31250**
11. **Westmoreland County Utility Coordination Committee**
12. **Vandergrift Casino Theater and Library Building Improvement Project - Phase 2**
13. **PNG Gas Line Replacement Projects**
 - a. Franklin Avenue Project – On hold
 - b. Sherman Avenue Project Phase 2 (Sherman, 6 St. and 11th St.) Near Complete
 - c. Washington Avenue Project (Hancock, Custer, 16th, 15th and Washington) Near Complete
 - d. Fourth Street Project – Near Complete
 - e. Sherman Avenue Project Phase 1 - this year
 - f. Columbia Avenue (11th Street) Project - September
 - g. Grant Ave. & McKinley Crossings Project - June
 - h. **Longfellow Street Project 2025 (CDBG)**
 - i. Indiana Ave. - Spot (grass)
 - j. Longfellow Street - 2 Spots (grass)
 - k. LaBelle Vue Project – Researched & sent sewer maps (under design)
14. **Calander of Events - Grant Avenue & Columbia Lot**
15. **MAAT Agreement for LaBelle Vue Road Sewer Connection**
16. **Any Engineering related Items added to the agenda**

Items requiring board action are shown in **Bold** print. If anyone has any questions, or If any additional items are required, please let me know as soon as possible. I plan to attend the meeting and will be available to answer any questions. Thank you.

Sincerely,
Lucien Bove, PE

#11. He informed Council that he will be attending the Westmoreland Co. Utility Coordination Meeting.

#13-h. He stated that the 2024 CDBG project will include two blocks of paving on Longfellow Street.

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

BUDGET & FINANCE REPORT:

Chairperson Clayton provided each member with copies of the May General Fund Budget, the Park & Pool Budget, and State Aid Budget Reports.

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

POLICE & PUBLIC SAFETY REPORT:

Chairperson Kessler stated that Carrie Richard, 305-C Lowell Street has applied for a Persons With Disability Parking Space and that she meets the criteria set forth in the ordinance. She stated that is being recommended that this application be approved.

A motion was made by Mrs. Kessler, second by Ms. Bruner, to approve the aforementioned matter. Motion carried.

Mrs. Kessler informed Council that Jacob Zepeda has resigned his position as a part-time police officer due to his acceptance of a full-time position with another police department.

A motion was made by Ms. Clayton, second by Ms. Bruner, to accept Mr. Zepeda's resignation. Motion carried.

BUILDING & GROUNDS:

Chairperson Sarno reported that the repairs to Vandergrift No. 2 Fire Department have been completed with help of Glen Rupert, of whom, provided a tremendous savings of approximately 50%.

Mr. Sarno reported the flags at Cooper Street and at Kennedy Park were raised. He also stated that he would like to thank his wife for donating her time to complete repairs to the flag at Cooper Street.

A motion was made by Ms. Bruner, second by Ms. Clayton, to accept the Building & Grounds Report. Motion carried.

TREE & LIGHT REPORT:

Chairperson Bruner reported that the trees on 125 E. Adams & 185 Grant were trimmed, and the tree on McGregor Park was removed. She also stated certain trees on Grant & Jefferson were trimmed

In regards to the street lights, Ms. Bruner stated that the following lights were replaced: 239, 245 and 231 Sherman; 9th Street at EV Hill. She also stated that the light fixture on Kennedy Way has not been fixed to date.

A motion was made by Mrs. Kessler, second by Ms. Clayton, to accept the Tree & Light Report. Motion carried.

GENERAL GOVERNMENT:

With the resignation of Bryan Young, the current Code Officer, Vice President Wilson requested that action be taken to advertise for Code Officer to replace Mr. Young.

A motion was made by Ms. Clayton, second by Mrs. Kessler, to advertise for the position of a Code Officer for the Vandergrift Borough. Motion carried.

RECREATION REPORT:

No Report

SOLICITOR'S REPORT:

Solicitor Kraft presented for adoption Resolution NO. 5-2024, whereby the Vandergrift Borough Council accepts the recommendation of the Vandergrift Planning Commission to approve the subdivision request of Larry Loperfido and Kathleen Englert. (See page 5-A)

A motion was made by Mrs. Kessler, second by Ms. Clayton, to adopt Resolution No. 5-2024. Motion carried.

Solicitor Kraft presented a non-bidding letter of intent from PNC Bank regarding the installation of a ATM at the Vandergrift Municipal Building. (See pages 5-B thru 5-E)

A motion was made by Ms. Clayton, second by Mrs. Kessler, to accept the non-binding letter of intend from PNC. Motion carried.

Solicitor Kraft requested Council to hold an executive session for the purpose of discussing a personnel matter.

RESOLUTION 5 of 2024

A RESOLUTION OF THE BOROUGH OF VANDERGRIFT, COUNTY OF WESTMORELAND AND COMMONWEALTH OF PENNSYLVANIA, REGARDING THE LOPERFITO/ENGLERT SUBDIVISION

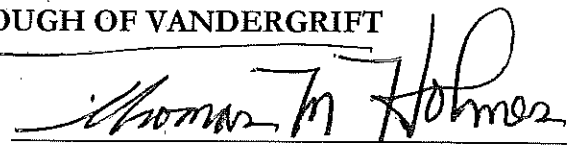
WHEREAS, the Borough of Vandergrift Planning Commission met on May 13, 2024, for the purpose of viewing the final plan of the subdivision request of Larry D. Loperfito and Kathleen Englert; and,

WHEREAS, as a result of said hearing, the Commission provided final approval of the subdivision and has directed the same to be provided to the Council of the Borough of Vandergrift for final approval;

NOW THEREFORE, does hereby resolve as follows: BE IT RESOLVED, that on the 3rd day of June, 2024, the Council of the Borough of Vandergrift does accept the recommendation of the Planning Commission evidencing that the subdivision request of Larry D. Loperfito and Kathleen Englert, is now in substantial compliance of the terms of the Planning Commission of the Borough of Vandergrift and does hereby resolve that the final plan is accepted by the Borough of Vandergrift. IT IS FURTHER RESOLVED that all uses of the properties in question must comply with all other ordinances and codes of the Borough of Vandergrift.

RESOLVED, at Vandergrift, Pennsylvania this 3rd day of June, 2024.

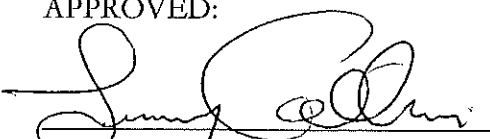
BOROUGH OF VANDERGRIFT

BY: 
TOM HOLMES, Council President

ATTEST:

 (SEAL)
STEPHEN J. DELLEDONNE,
Borough Secretary

APPROVED:


LENNY COLLINI, Mayor



5-B

Joe Klonicki
The PNC Financial Services Group
300 Fifth Avenue
Pittsburgh, PA 15222-2401
Joseph.klonicki@pnc.com

June 3, 2024

Sent VIA: E-mail

RE: Letter of Intent ATM

This Letter of Intent outlines the general terms and conditions under which PNC Bank, National Association is willing to consider leasing the Premises (as defined below).

Tenant: PNC Bank, National Association

Landlord:

Premises: Area as shown on Exhibit "A" (the "Premises") which location is located on a part of a lot (the "Property")

Use: Tenant may use the Premises for an exterior Drive-Up or Walk Up automatic teller machine (the "ATM").

Condition of Delivery: Landlord shall provide the Premises to Tenant in "As-Is" condition. Tenant to accept possession of the Premises subject to and upon attaining all permits and approvals necessary for the commencement of construction of its improvements and/or installation of its equipment. Tenant shall use best efforts to apply for applicable permits within sixty (60) days after mutual execution of a lease agreement (the "Lease") where applicable.

Rent Commencement: The earlier of ninety (90) days after Tenant has accepted possession of the Premises or when the ATM facility is operational.

Due Diligence Period: Tenant shall complete its Due Diligence Feasibility Study on or about sixty (60) days from the mutual execution of the Letter of Intent.

Delivery of Documents: Landlord shall deliver to Tenant copies of all documents which pertain to restrictive covenants, plans, surveys, reports, tests, studies, title material (including copies of exception documents referenced in the Landlord's title policy), environmental information, appraisals, and other materials related to the Premises and/or the Property that are in the Landlord's possession within five (5) business days after mutual execution of this Letter of Intent. In the event that Tenant terminates this transaction prior to the execution of a Lease, Tenant shall return all such documents upon Landlord's request.

If Tenant determines, in its sole and absolute discretion, that the Premises are unacceptable for Tenant's proposed use, Tenant may, without any liability, terminate this Letter of Intent during the due diligence period upon written notice to Landlord.

Term: Five (5) years from Rent Commencement.

Base Rent: Years 1-5

Base rental: \$1000.00 per month.

Gross Lease:

The Lease shall be a modified gross lease. Specifically, (i) Landlord shall be responsible for the payment of all real estate taxes, insurance premiums and operating expenses for the Property (including, without limitation, the Premises) and (ii) Tenant shall be responsible for maintenance and repair of the ATM.

Options to Extend:

Tenant shall be granted three (3) five (5)-year options to extend the term of the Lease. Options shall be exercised by informing Landlord in writing one hundred eighty (180) days prior to the commencement of the next option period.

Option Rent:

Base rental will escalate ten percent (10%) at the commencement of each option period.

Security Deposit:

None.

Landlord's Maintenance:

Landlord shall maintain, at its sole cost, the Property in a first class manner throughout term of the Lease including, buildings, parking lots, landscaping and common areas.

Governmental Approvals:

The Lease will be conditioned upon and subject to Tenant receiving all necessary governmental approvals for the proposed use and construction/fabrication, including approval from the Borough of Vandergrift Zoning Hearing Board.

Assignment:

Tenant has the right to assign its interest in the Premises to its parent, any subsidiary or affiliate or any entity into which it merges or substantially sells its assets without Landlord's consent.

Non-Disturbance Agreement:

Landlord shall obtain a non-disturbance agreement in form and substance reasonably acceptable to Tenant from all existing and future mortgagees.

Exclusive ATM Right:

On or after the date of execution of the Lease, Landlord shall not enter into any agreements with other parties to operate drive-up or stand-alone ATMs within the Property.

Brokerage Commissions:

The Tenant represents that it has not dealt with any other real estate broker regarding this matter

Lease Form:

PNC's form of Lease shall be used and will be negotiated throughout the due diligence period.

Each party acknowledges and agrees that this Letter of Intent is not intended to be a contract or evidence of any contract or other binding obligation and no contract or agreement providing for any transaction shall be deemed to exist between Landlord and Tenant unless and until a lease agreement for the Premises has been executed and delivered by the parties. Unless and until a lease agreement for the Premises has been executed and delivered, neither we nor you shall be under any legal obligation of any kind whatsoever with respect to any of the transactions contemplated hereby and this Letter of Intent may be terminated by either party in its sole discretion. Without limiting the generality of the foregoing, Tenant may terminate this Letter of Intent if it determines that completion of a Lease could violate any anti-terrorism or other law. PNC Bank further agrees that by extending this Letter of Intent to the Borough of Vandergrift, that it shall not initiate an Action in Mandamus to attempt to compel the Borough of Vandergrift to perform any of the proposed terms set forth in this Letter of Intent.

I request that you countersign this letter below to indicate that you accept the Binding Provisions with the intent to be legally bound thereby and you acknowledge that a lease along the lines of the foregoing would be acceptable in principle subject to all terms and conditions noted above and subject to the execution of a satisfactory lease and any other definitive documentation.

This offer shall remain in effect until, June 4, 2024.

I look forward to working with you on this proposed transaction. Please call me to discuss any questions that you may have.

Sincerely,

PNC Bank, National Association
Joseph M. Klonicki
Real Estate Contract Administration Specialist

Agreed to and accepted this 3rd day of June, 2024.

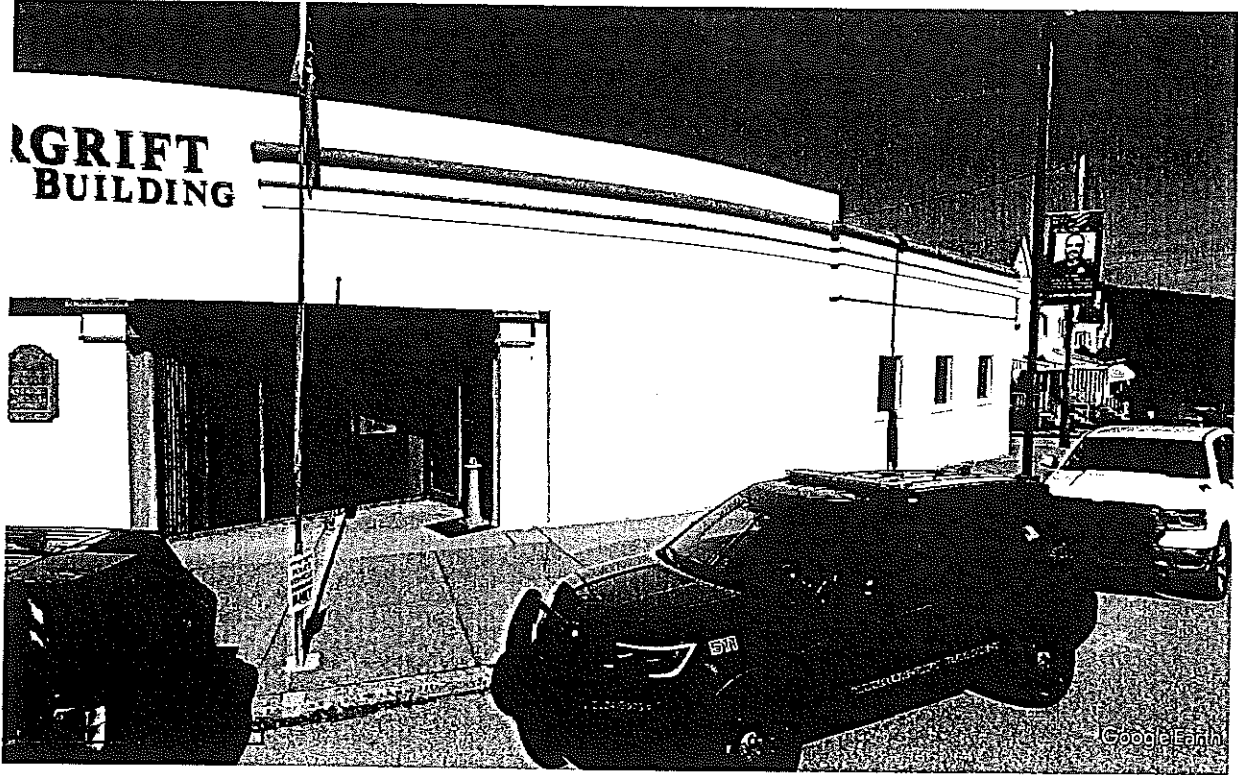
LANDLORD ENTITY Borough of Vandergrift

By: Christina Wilson

Name: Christina Wilson

Title: Vice President

EXHIBIT A
The Premises



A motion was made by Mrs. Kessler, second by Ms. Bruner, to accept the Solicitor's Report. Motion carried.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Ms. Clayton informed Council that the Borough has received grant in the amount of \$30,000.00 from the Pa. Walk Works Program.

At 8:15 pm, a motion was made by Mrs. Kessler, second by Ms. Clayton, to hold an executive session for the purpose of discussing a personnel matter. Motion carried.

At 8:32 pm, a motion was made by Mrs. Wilson, second by Ms. Clayton, to return to the regular order of business, and to state that no action was taken by Council during the executive session. Motion carried.

ADJOURNMENT:

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

The meeting was adjourned at 8:33 pm.

