

**MANOR BOROUGH COUNCIL
MONTHLY BUSINESS MEETING - March 16, 2022**

1. **CALL TO ORDER** – Council President Mr. Tony Gockel called the Council Meeting to Order at 7:00 P.M. on March 16, 2022, in the Manor Community Room and led the
2. **PLEDGE OF ALLEGIANCE.**

3. **ROLL CALL** of Attendance

(Present)	Tony Gockel, President	Dawn Lynn, Vice President
	Chuck Charrie	Dave Gongaware
	Terry Nemitz	Jim Vacha
	Ed Antonacci, Engineer	John Greiner, Solicitor
	George Valmassoni, Chief of Police	Mike Radakovich, Tax Collector
(Absent)	Christine Marchand	Brian Woy, Mayor
	Jason Krainbucher, Zoning Office	

4. **APPROVAL OF THE MINUTES** for meeting on February 16, 2022 – A motion “to accept the minutes of the meeting held on February 16, 2022, as read” was made by Mr. Nemitz, and seconded by Ms. Lynn. The motion passed unanimously.

5. **PUBLIC COMMENT** – AGENDA ITEMS ONLY

Allison McCullough of 1126 Redoak Drive, Harrison City, regarding 507 Rowe Road, her boyfriend lives next door to the property. She works in the house alone and is not comfortable with FamilyLinks not having a security plan.

Ashley Heslop of 210 Woodcrest Court, Manor, commented on Ordinance 593-22-01 Council will be considering. She sent an email to Council as well as to the Solicitor and wanted to update they have almost 500 signatures on a petition and says 471 families are concerned about FamilyLinks. Mr. Charrie asked if she would be able to print a copy of all 471 signatures.

Steve Ira of 1018 Sunset Blvd, Manor, also commented on Ordinance 593-22-01 and feels the language is important in the Ordinance. He is asking for Council to consider language so that there is no leeway for a use to slip in. At issue is the definition of an adult.

Henry Lee Moore, Esq of 35 West Pittsburgh Street, Greensburg, has been retained by the citizens of Brandywine and Crimson Pointe Communities and is reviewing the Zoning for them. Regarding Ordinance 593-22-01, and the permitted use as a personal care home, he pointed out a formatting error in the Ordinance document.

Jeri Lewis of Harding Street, Manor commenting on Resolution 2022-11 the DCNR Grant and Manor Park Improvements for a sport court and a new pavilion. She objects to the DCNR Grant and feels there are many things wrong with the playground and it needs a lot of work. She complained public comment was not solicited. Since there are matching funds, the public has not seen any plans. She read from the August 17, 2016 meeting minutes regarding a CDBG Grant to be received in 2017 to replace the restroom in the park. Ms. Lewis asserted it was never done and an ADA restroom needs to be done. She then noted the grant was denied in January 2017. Then Ms. Lewis noted there is no

handicapped parking. She is asking for ADA funds to be pursued. Ms. Lewis states the public is not given an opportunity to comment. Mr. Gongaware suggested a bocce court be installed. Mr. Charrie sought clarification on agenda items pertaining to the park.

6. **MAYOR'S REPORT** (Mr. Woy) – None.
7. **SOLICITOR'S REPORT** (Mr. Greiner) – Mr. Greiner reported an easement letter was sent to the Bradley's informing them of Council's decision to keep the property and the easement. In addition, their attorney was sent a letter regarding the easement access being gated. The Bradley's have 30 days to remove the gate.
8. **ENGINEER'S REPORT** (Mr. Antonacci) – None.
9. **ZONING OFFICER'S REPORT** (Mr. Krainbucher) – None.
10. **BOROUGH MANAGER'S REPORT** (Mr. Lapia) – Mr. Lapia reported the Borough received its Liquid Fuels allotment for 2022 in the amount of \$102,768.51, which is a \$7,000 increase over last year. The Preliminary Audit was submitted minus the PMRS information which will not be available until July. When the PMRS information is released, the final audit will be submitted. Mr. Lapia noted the Manor VFD is having a hoagie sale on Saturday in place of their weekly fish fry.
11. **TREASURER'S REPORT** - A motion "to approve the Treasurer's Report for the month of February 2022, as prepared" was made by Ms. Lynn. The motion was seconded by Mr. Vacha. Mr. Charrie interjected with several questions about interfund transfers, and Mr. Lapia explained the monthly processes. Mr. Lapia also explained the Brandywine paving is complete except for the top coat paving on the Phase V portion of Brandywine Drive. The motion carried unanimously.
12. **TAX COLLECTOR'S REPORT** - A motion "to approve the Tax Collector's Report for the month of February 2022, as prepared" was made by Mr. Gongaware and seconded by Ms. Lynn. The motion carried unanimously.
13. **COMMITTEE REPORTS**
 - a. **Building & Properties** – Ms. Lynn reported her search for Borough Storage has not revealed anything promising at this time.
 - b. **Community Betterment & Environment** – None.
 - c. **Finance** – Mr. Charrie questioned the Budget passed in 2022 and how the figures were obtained. He feels the actual budget numbers from the prior year should have been used for all budgets, not what was budgeted. Mr. Lapia will send the reports to all members of Council.
 - d. **Personnel & Administration** – The Police Union list of demands were received. Negotiations will be handled by Ms. Marchand, Mr. Charrie, Mr. Vacha and Mr. Lapia. Mr. Gockel is excusing himself due to a conflict of interest.
 - e. **Planning & Zoning** – The Turtle Creek Watershed Association has had two meetings so far, and Mr. Charrie has attended both. The annual membership is \$100. Mr. Lapia noted the \$100 is a membership fee and not a contribution. Additional research indicates the last time the membership fee was paid was in 2007. Mr. Charrie wants the Borough to pay for the annual membership fee. Mr. Gockel inquired about the membership fee and was told Mr. Charrie could attend the meetings without paying the membership fee, which was considered

a donation. Mr. Gockel wants to know what the Turtle Creek Watershed Association does for Manor. Mr. Charrie feels this is a worthy organization. Mr. Gockel suggested a meeting be set up with the Association to find out more. Mr. Charrie is gathering data regarding the SALDO and feels the Borough's Planning and Zoning Ordinance needs to be updated, as well as fee, policies and procedures. The SALDO budget requires \$5,000 to pay the attorneys. Mr. Charrie motioned to approve a \$5,000 budget to have Mr. Falatovich and Mr. Greiner review the SALSO and to make changes. Ms. Lynn stated the Planning Commission has overhauled the SALDO and are working to finalize their updates. Mr. Charrie's concern was the SALDO has been updated by people with little knowledge of Planning and Zoning, and he feels the attorneys would do a better job. Ms. Lynn responded that the Planning Commission was guided by the previous Solicitor and the Borough Engineer while updating the SALDO. The motion failed to get a second. The motion will be on the agenda for the April Council Meeting. The Planning Commission met in February to reorganize. The next Planning Commission is March 21, 2022. Mr. Charrie voiced a concern over the Zoning Hearing Board fees which he feels are too high. He was told the fees are to cover costs the Borough incurs for a Zoning Hearing Board meeting. Mr. Charrie consulted with Zoning Hearing Board Solicitor Mr. Falatovich and was told the average cost is \$400. Mr. Charrie stated the Borough charging \$1,500 is excessive and asserts the Borough is making money. Mr. Charrie made a motion to reduce the Zoning Hearing Board fees to \$500 from \$1,500 with a paragraph stating if the costs exceed \$500, the applicant will reimburse the Borough. Mr. Lapia reminded Mr. Charrie the \$500 he proposes does not include the expense incurred from the Building Inspector. Mr. Charrie revised his motion amount to \$550 and to refund any difference back to the applicant. Mr. Lapia responded in the past, with a Variance, an applicant was refunded a balance. The motion could not be made as the topic was not on the agenda. Mr. Gockel will have the topic on the April Council Meeting agenda. Mr. Lapia asked Mr. Charrie how to best charge for the Zoning Hearing Board. Mr. Charrie suggested it best to leave it to the attorney to decide if it's a simple matter or a complex matter. Mr. Lapia pointed out that the Borough does not know the final cost until the hearing is over and the Borough is billed, and questions how the Borough will re-coup additional expenses incurred.

- f. **Public Safety & Maintenance** – Mr. Gongaware and Mr. Nemitz met with the Manor VFD.

14. OLD BUSINESS

- a. Police Communications. Mr. Nemitz reported Mayor Woy wants to replace the radios for the Police Department. The cost for 3 Motorola portable radios, 2 Motorola mobile radios, 1 Motorola base station, with extra batteries, a gang charger and an individual charger is \$25,527.35. Mr. Nemitz thought the cost was a bit excessive for an older model radio. Mr. Nemitz talked to Westcom who offers a comparable Kenwood radio system for \$16,170.23. The Kenwood model is newer and has more features, as well as compatible with a new County 911 system. Discussion indicated Council needs more information. Ms. Lynn motioned to table the decision until the April Council meeting. Seconded by Mr. Nemitz, the motion carried unanimously.
- b. Resolution 2022-10 appointing Mark Cypher as the Borough Sewage Enforcement Officer. Ms. Lynn motioned to appoint Mark Cypher at the Borough Sewage Enforcement Officer. Seconded by Mr. Nemitz, Mr. Charrie had

questions about the compensation and the fees charged and asked for the fees to be reduced. Ms. Lynn declined to amend the motion at that time. She asked Mr. Lapia how often do we need a sewage enforcement officer. Mr. Lapia replied the Borough seldom needs one since 95% of the Borough uses public sewage. Ms. Lynn then amended the motion to remove \$25/hour from the labor fees structure. Seconded by Mr. Nemitz, the motion carried unanimously. The roll call vote is as follows:

Mr. Gockel - Yes	Ms. Lynn - Yes	Mr. Gongaware - Yes
Ms. Marchand - Absent	Mr. Nemitz - Yes	Mr. Vacha - Yes
Mr. Charrie - Yes		

- c. Ordinance 593-22-01 adding Personal Care Homes as a permitted use in the C-1 Zoning District. The Solicitor read the accepted definition of a Personal Care Home and there was discussion clarifying the differences between various care homes. Mr. Charrie pointed out there is no provision in the accepted definition for adults or drug and alcohol treatment. Mr. Greiner suggested to council to direct the schedule for the hearing on April 20, 2022 at 6:00 P.M. Ms. Lynn motioned to schedule a Public Hearing at 6:00 P.M., April 20, 2022, and that both hearing and the proposed corrected Ordinance be advertised. Seconded by Mr. Nemitz. The motion carried unanimously.
- d. FamilyLinks proposed use of property at 507 Rowe Road. Mr. Charrie reviewed the events that occurred up until this day and suggested to follow the process the Borough is bound to do, and suggests staying with the Conditional Use. He lamented the lack of a formal application from FamilyLinks and questions if there are any missing documents from 2021 that were not given to the new members of Council. Mr. Greiner and Mr. Lapia distributed all received emails received to Council. Council discussed Mr. Greiner's options for an amendment. Intensive discussion ensued regarding the Conditional Use. Mr. Charrie motioned to table this decision until the April 20, 2022 Council meeting, and directs the Solicitor to invite further input to Council from concerned parties and the public. Seconded by Ms. Lynn, the motion carried unanimously.

15. NEW BUSINESS

- a. Zeminski/Shaffer Subdivision. Two sisters inherited a parcel between their homes and they want to split the lot 50. A recorded permanent driveway easement is needed so the sisters can legally cross through the property, and in the event the properties are sold there would be access to the properties. The Solicitor noted it is ok to do this in the future, but to not wait too long. Ms. Lynn noted the Planning Commission approved this simple subdivision. Mr. Antonacci noted no improvements are planned for this property. Ms. Lynn motioned to approve the subdivision. Seconded by Mr. Nemitz, the motion carried unanimously.
- b. Licensing Agreement with Kukurin Contracting Inc. regarding the WWMA Brush Creek interceptor. Kukurin Contracting needs a place to temporarily store materials and equipment at the Sandy Hill Road lot while working on the interceptor project. Ms. Lynn motioned to approve the Licensing Agreement with Kukurin Contracting. Seconded by Mr. Nemitz, Mr. Nemitz also requested pictures be taken prior to the lot being used to ensure no damage is done to the Sandy Hill Road lot. The motion carried unanimously.

- c. Amending Public Hearing Meeting Minutes from January 19, 2022. There was a correction needed to correct a misquote. Ms. Lynn motion to amend the Public Hearing Meeting Minutes from January 19, 2022. Seconded by Mr. Gongaware, the motion carried unanimously.

Ms. Lynn motioned to go out of order to discuss 15i: Manor Park Improvements. Seconded by Mr. Vacha, the motion carried unanimously. Council received sketches for 3 park designs, also shared with PTARC, that showed possible placement of a sports court and a pavilion. After some discussion, Ms. Lynn motioned to approve Proposal #3, where the Pavilion is placed in the middle of the park. There was no second. The Borough Engineer recommends Proposal #3. After considerable discussion, Ms. Lynn again motioned for Proposal #3 and to apply for a DCNR Grant. Seconded by Mr. Nemitz, the motion passes by majority. The roll call vote is as follows:

Mr. Gockel - No	Ms. Lynn - Yes	Mr. Gongaware - Yes
Ms. Marchand - Absent	Mr. Nemitz - Yes	Mr. Vacha - Yes
Mr. Charrie - No		

- d. Resolution 2022-11 authorizing Council President to sign DCNR Grant Application. Ms. Lynn motioned to authorize Council President Tony Gockel to sign the DCNR Grant Application for the Borough. Seconded by Mr. Vacha, the motion carried by majority. Mr. Charrie voted "No".
- e. Resolution 2022-12 waiving Employee contribution to the Police Pension Plan for 2021. Mr. Gongaware motioned to approve Resolution 2022-12 waiving the employee contribution to the Police Pension Plan since it is adequately funded. Seconded by Mr. Vacha, motion carried unanimously.
- f. West Penn Power Right of Way Agreement for Oakside Drive property. Mr. Gongaware motioned to have the Solicitor approve the agreement and any necessary changes. Seconded by Mr. Nemitz, the motion carried unanimously.
- g. Amending Resolution 2021-03 VFD funding. Mr. Nemitz motioned to table the decision until the April meeting until the Solicitor can advise items added are legal. Seconded by Ms. Lynn, the motion carried unanimously.
- h. Woods of Brandywine Phase-V street paving. The bid documents will be available March 28, 2022, with the bids due at the Borough Administration Office at Noon on Monday, April 18, 2022, with the bid opening at 1:15 P.M. The preliminary estimate on the cost to pave Brandywine Drive, Phase-V is \$130,000, with the funds already reserved. Mr. Nemitz confirmed this is the top coat paving only for Brandywine Drive, Creekview Court and Skyline Court. Mr. Gongaware motioned to proceed with the bid packet and bid deadline. Seconded by Ms. Lynn, the motion carried unanimously.

16. CORRESPONDENCE

- a. **Nancy Wallis** of 200 Woodcrest Court, Manor, emailed the Council President stating she was happy and pleased the snow from the recent snow storm was spread out in the cul-de-sac and not placed in one huge pile in her cul-de-sac, as she complained about at the previous Council meeting.

17. APPROVAL TO PAY BILLS - A motion "to approve payment of the bills as of March 16, 2022, as presented" was made by Ms. Lynn and seconded by Mr. Vacha. The motion carried unanimously.

18. EXECUTIVE SESSION – Ms. Lynn motioned to go into Executive Session for personnel issues and matters of potential litigation. Seconded by Mr. Charrie, the motion carried at 10:50 P.M.

Mr. Vacha motioned to return to regular session. Seconded by Ms. Lynn, the motion carried unanimously at 11:06 P.M. Council discussed non-voting internal issues.

19. CITIZEN COMMENTS/PUBLIC COMMENTS (From Sign-Up Sheet)

Jeri Lewis of Harding Street, Manor, had concerns about Manor Park. She admonished Council for not making the park ADA accessible in the past 5 years. She asserts the Borough is not complying with Federal Laws and an ADA restroom is required. She then inquired about renting ADA compliant Port-a-Johns for this year. She concluded with her filing a complaint regarding non-ADA accessibility at Manor Park with the Justice Department.

20. MOTION TO ADJOURN - There being no other business to discuss, a motion "to adjourn the meeting" was made by Ms. Lynn and was seconded by Mr. Nemitz. The motion carried unanimously. The meeting adjourned at 11:20 P.M.

Joseph N. Lapia
Borough Manager