

**MANOR BOROUGH COUNCIL
MONTHLY BUSINESS MEETING – November 16, 2022**

1. **CALL TO ORDER** – Council Vice-President Ms. Dawn Lynn called the Council Meeting to Order at 7:00 P.M. on November 16, 2022, in the Manor Community Room and led the
2. **PLEDGE OF ALLEGIANCE.**
3. **ROLL CALL** of Attendance

(Present) Dawn Lynn, Vice President
Chuck Charrie
Terry Nemitz
Ed Malinoski, Mayor
Ed Antonacci, Engineer
George Valmassoni, Chief of Police

Dave Gongaware
Jim Vacha
Chelsea Dice, Solicitor
Mike Radakovich, Tax Collector

(Absent) Tony Gockel, President
Jason Krainbucher, Zoning Office

Christine Marchand

Solicitor Dice announced, after a question from Jeri Lewis, meetings can be recorded as long as it does not disturb the Council. Ms. Lewis announced going out of order, addressing the Solicitor for meeting minutes in regards to addresses published for public comment. Ms. Lewis does not wish to be known when making a public comment, but wishes to be known as a “tax payer”, and wants her street address removed from the meeting minutes, citing right of privacy. Mr. Gongaware motioned to amend the September 21 and October 19 meeting minutes, removing the street name for Ms. Lewis. Seconded by Mr. Nemitz, the motion carried unanimously.

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

Mr. Charrie then commented regarding some emails he sent asserting the meeting minutes are shorter and less accurate. He feels the intent and speaker of the message is missing. He is requesting the meeting minutes be more detailed.

4. **APPROVAL OF THE MINUTES** for the meeting on October 19, 2022 – A motion “to accept the amended minutes of the meeting held September 21, 2022 and October 19, 2022, removing the street address for Ms. Jeri Lewis” was made by Mr. Vacha, and seconded by Mr. Gongaware. The motion carried unanimously.

5. PUBLIC COMMENT – AGENDA ITEMS ONLY

Steve Loughner of Cameron Drive, Manor, commenting on the Manor VFD allocation from the Borough. He is asking for an increase in the 2023 Budget. Mr. Loughner clarified some points. The \$25,000 CARES Grant was received in 2020, and he is unaware of any additional money forthcoming. The Manor VFD gets an annual grant of \$11,500 they use for equipment. Last year they received an additional \$3,500. He noted the fire department expenses are increasing.

Jeri Lewis of Manor, asking for the percentage of wage increase by the Borough Administration staff. Mr. Vacha noted it’s not a raise but below the 8.7% CPI of 7%,

which is the same as what the police are getting. Regarding the Tax Penalty Waiver, she wants a copy of the waiver form, claims it was not attached to the draft, and feels information is missing. Ms. Dice commented the Tax Collector should have the forms in his office. Regarding GPS devices for police vehicles, she wanted to know why it was needed. Ms. Lewis then stated she should have as much time as needed to voice her opinion and ask questions and not be bound to 3 minutes. Ms. Dice explained the time limitation. The Sunshine Act was briefly discussed and Ms. Lewis was encouraged to wait until the Mayor could give his report on the GPS devices and later on in the agenda for the topic of blighted properties.

Pat Smith of Fredrick Drive, Manor, wanted to comment on blighted properties in the Borough. Her understanding is letters were sent to the property owners to clean up their property, specifically on lower Observatory Street, and she would like an update. The Mayor and the Police Department are working on these properties but it is a slow process as there is a First Notice, Final Notice, then a Citation. Currently, 3 Citations are pending. Mr. Nemitz is consulting with BIU Inspector Jason Krainbucher who is also checking the properties. Mr. Charrie brought up occupancy inspection and feels that should be reinstated.

6. MAYOR'S REPORT – Mayor Malinoski reported numerous items. Regarding the Community Fair, \$2,900 has been raised to date. The parade has been eliminated due to logistics. The event will be at the Borough parking lot with food, DJ and dancing; the ball park will be for vendors, children activities and demonstrations; the American Legion will sponsor live entertainment. Parking is planned at Robert's Roofing and the bus depot. The December Craft/Vendor show has 16 vendors registered with the Manor VFD selling food. The Manor Police Department had a night shoot on November 14. GPS devices for police vehicles are being considered for maintenance purposes and locating an officer in the event of an emergency. The Mayor is asking for an Emergency Action Plan and Mr. Nemitz stated he is working on updating it. The Mayor provided the monthly police report, magistrate report and copies of code enforcement letters. He further stated the Police are his main concern and wants them to increase their rounds. He feels his concerns about the condition of the police station and the lack of cameras are not being addressed and wants them addressed quickly. Mr. Charrie interjected there is a need for another meeting so that items can be brought to Council.

7. SOLICITOR'S REPORT - None.

8. ENGINEER'S REPORT – Mr. Antonacci reported the paving project is complete and the punch list has been given to the contractor. No invoice has been submitted to the Borough. Mr. Charrie asked about as-builts for sewer line extensions on Third Street for a specific resident. Mr. Lapia reported the sewer line came up Albert alley, a small section was done, approximately 75 feet, between Broadway and Cleveland. The sewer line servicing the dead end of Third Street comes from Fredrick Street, down through the Holloman property, down Third Street into the main that goes up the alley. Residents are responsible for sewer line repairs from their house connection up to the Borough street right of way. Mr. Charrie then brought up the Planning Commission meeting and the potholes on Rowe Road and asked if the potholes could be patched. Mr. Lapia noted the potholes at the bottom of Rowe Road are on the list to be filled, but other more immediate projects have come up. The perceived potholes towards the Borough – Township line is deterioration of the wearing coarse that cold patch cannot fix.

9. ZONING OFFICER'S REPORT – None.

10. BOROUGH MANAGER'S REPORT – None.

11. TREASURER'S REPORT – Mr. Gongaware motioned to approve the Treasurer's Report for the Month of October 2022. Seconded by Mr. Vacha. The motion carried unanimously.

12. TAX COLLECTOR'S REPORT – Mr. Gongaware motioned to approve the Tax Collector's Report for the month of October 2022. Seconded by Mr. Nemitz the motion carried unanimously.

13. COMMITTEE REPORTS

- a. Building & Properties – Ms. Lynn spoke with the Council President and are addressing the Mayor's concerns with the Police Station.
- b. Community Betterment & Environment – Mr. Nemitz will meet with the mayor about blighted properties.
- c. Finance – Mr. Vacha had nothing to report.
- d. Personnel & Administration – Mr. Vacha had nothing to report.
- e. Planning & Zoning – Mr. Charrie brought up temporary signs littering the Borough and wants to know if they can be automatically removed. The Solicitor advised talking to the property owner about the signs and noted temporary signs have 2 weeks. Mr. Charrie noted all of the signs appear to be in the right of way and not 15 feet out from the right of way. Mr. Lapia noted many of the signs are along a state road. The Zoning Officer is in charge of sign enforcement. Mr. Charrie wants something in place for the January meeting regarding sign enforcement. Mr. Charrie also reported the parks are done except for the cameras and locks. The locks are held up due to the work and vandalism at the upper park. The cameras have yet to be installed. The Recreation Board met and installed new members. Shannon Malinoski is the Chairperson and Nicole LeMaster is the Secretary. Meeting dates were set for 2023. Mr. Charrie asked for child clearance laws pertaining to volunteers and the Recreation Board. Mr. Lapia noted the Borough has a Child Safety Policy adopted in 2016. Due to an end of term for a Recreation Board member, a new member is anticipated to be appointed in December. Mr. Charrie then questioned the Recreation Board's control over their budget. The Board sees the Borough's budgeted annual amount of \$3,500 for Community Events as seed money. Mr. Lapia explained this amount cannot float but is used for expenses. However, if revenue is created from the expense, then the money is turned over to the Borough to be deposited into the Recreation Fund bank account. Mr. Lapia stressed the need for the Recreation Board to account for all money generated and to provide receipts for all money expensed. The Borough has a Purchasing Policy and purchases under the Borough umbrella provides for sales tax exemption. Discussion continued regarding the best way to make purchases on account with vendors as the Borough does not have a credit card and the Borough is not subject to sales tax. However, the Borough has reimbursed Recreation Board members for incidental purchases. Recreation Board members are not authorized to purchase anything based on the current Purchasing Policy. Reimbursement expense scenarios were discussed and Mr. Lapia expressed the need for a paper and audit trail. The Borough did attempt to get a credit card several years ago however, federal banking laws post 9-11 require a person's

Social Security Number, even for a business. No one was comfortable having their personal information attached to a commercial credit card.

- f. Public Safety & Maintenance – None.

14. OLD BUSINESS

- a. 2023 Budget. Mr. Lapia updated the draft budget with more definite figures and expected expenses. The current budget is over \$5,328 in expenses to revenue and Mr. Lapia advised Council they should adopt the preliminary budget so it can be advertised and available for public inspection, and then finally adopted at the December Council Meeting. Mr. Vacha brought up the Manor VFD and their request for an additional \$5,000. He does not want to raise taxes and notes the Borough is slightly over budget for 2023. Mr. Vacha's question to the Manor VFD is how much money do they have in their bank account as he does not want to take resident's money and have it sitting in an account. Manor VFD Treasurer Steve Loughner responded by asking how much money does the Borough have in the bank. Mr. Loughner explained the \$34,000 the Borough gives the VFD every year is placed into their separate bank account, required by the Borough and used throughout the year to pay expenses. Mr. Loughner stated the one engine is almost 30 years old, the other 20 years old and they will need to be replaced. Mr. Vacha reminded the VFD of the meeting held a year ago where he proposed they look into getting a special tax put on the ballot to help fund them. Mr. Loughner expressed concern the annual VFD fund drive would suffer if there was a special fire tax of 1-2 mils. Mr. Vacha encouraged council and the VFD to discuss budget issues at the meeting and make changes so the budget can be passed in December. After discussion, Mr. Gongaware motioned to increase the Manor VFD budget by \$5,000. The motioned died for lack of a second. Mr. Charrie was looking at the budget for areas that could be reduced. Mr. Lapia pointed out taxes were increased a bit, as were cable franchise fees, and interest earnings. He also noted \$400,000 is needed to run the Borough until the real estate tax money comes in April to avoid needing a Tax Anticipation Loan. Mr. Vacha reminded Council of last year when Council approved to give the Manor VFD additional money to fix an engine that incurred a significant expense. Mr. Vacha, after conferring with Mr. Lapia and offsetting the deficit with surplus funds, offered a VFD budget increase of \$2,500. Mr. Charrie noted the budget amount for MS4 Engineering and Inspection is at \$20,000 and the budgeted amount wasn't fully utilized questioning a reduction to cover part of the deficit. Mr. Lapia, noting the inspection period is up in 2023 is uncertain about any additional permitted fees and inspection requirements from the DEP and cautions a drastic reduction. Mr. Vacha summarized and motioned taking \$5,000 from the MS4 line item Engineering and Inspection, and giving an extra \$2,500 to the Manor VFD, leaving the Budget with \$2,828 over expenses, to be made up by the surplus. Seconded by Mr. Nemitz, the motion carried unanimously. Then, Mr. Vacha motioned to adopt the preliminary budget with the changes, and to advertise the budget. Seconded by Mr. Gongaware, the motion carried unanimously.

15. NEW BUSINESS

- a. Transferring balance of Mayor's stipend from the General Fund to the Recreation Fund. Mr. Gongaware motioned to transfer the \$925, the balance of the Mayor's annual stipend to the Recreation Fund. Seconded by Mr. Vacha, the motion carried unanimously.

- b. Resolution 2022-22 waiving certain real estate tax charges. Act 57 was passed in 2022 and the Borough is required to offer penalty and interest relief from homeowners who never got a tax bill. Mr. Gongaware motioned to adopt Resolution 2022-22 waiving real estate tax charges. Seconded by Mr. Nemitz, the motion carried unanimously. The roll call vote is as follows:

Mr. Gockel	- Absent	Ms. Marchand	- Absent
Ms. Lynn	- Yes	Mr. Nemitz	- Yes
Mr. Charrie	- Yes	Mr. Vacha	- Yes
Mr. Gongaware	- Yes		
- c. Request from Cub Scout Pack 230 for free use of the Community Room. Council had questions, however, no one from Cub Scout Pack 230 was in attendance. Mr. Gongaware motioned to waive the rental fee, however, the \$75 cleaning fee still applies. President Gockel and Vice President Lynn have offered to each pay half of the cleaning fee. Seconded by Mr. Vacha, the motion carried unanimously.
- d. Police Contract Negotiations. Mr. Vacha reported a proposed contract was drafted that was good for both sides. A summary sheet of changes was handed to Council. There were some items discussed, but Mr. Vacha felt they were not contract related items, which the Solicitor agreed.

Mr. Charrie felt the contract should not have been on the agenda as there was no discussion with the sub-committee for this. He felt the sub-committee keeps council from having to hash out everything. The sub-committee then brings information back to Council for a vote. Mr. Charrie stated the problem is the sub-committee didn't vote and questioned if this is how a committee works. Mr. Charrie cited issues he had about policy and daily operations procedures, and wanted the contract to be reopened. Mr. Vacha asserted what Mr. Charrie was asking about was not contract issues. Mr. Charrie stated Code Enforcement should not be in the contract. He is concerned of the possible effects of a 4-year contract if certain issues are not clarified at this time. He further stated the procedures in sub committees are a problem. Mr. Vacha and Mr. Charrie debated on what is and what is not a contract item. Mr. Charrie motioned to table the vote on the police contract until the December Council meeting, on the condition of having another sub-committee meeting, seek Solicitor comments and send the revisions to the union. The motion died for lack of a second. Mr. Vacha explained the issues Mr. Charrie was referring to were not contractual. They were Police Department policy or procedure that can be discussed with the Mayor. Then, Mr. Vacha motioned to approve the police contract. Seconded by Mr. Gongaware, the motion carried by majority. The roll call vote is as follows:

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

- e. Purchasing GPS units for police vehicles. Mayor Malinoski looked at Goldstar and GPS Insights. Goldstar does not do mapping, but GPS Insights does do mapping. The Mayor recommends purchasing GPS Insights. Mr. Gongaware motioned to purchase GPS Insights units. Mr. Vacha asked Chief Valmassoni if he thinks this micromanaging, which the Mayor objected to the term, will deter

people from working for the Manor Borough Police Department, and the Chief stated it's possible. Mr. Gongaware motioned to purchase the GPS devices from GPS Insights at a cost of \$41.90 for two vehicles per month with a minimum three year contract. The Solicitor asked if any other municipalities use such a device, and the Chief responded possibly Jeannette. Mr. Vacha is concerned this might discourage Police Officers from working for Manor Borough in the future. The Mayor stated he has the full support of the current officers. Mr. Nemitz asked if the Chief if he thinks GPS devices are needed. Chief Valmassoni had no comment. Seconded by Mr. Charrie, the motion carried unanimously.

- f. Blighted properties. President Gockel had this added to the agenda so Ms. Smith could discuss. Previously, Mr. Lapia forwarded Council an email from the County to see if a Borough-wide blight assessment is needed at a cost of \$8,000. The assessment identifies areas of blight and potential areas of blight for consideration and remediation, with the possibility of grant money to fix the areas. Mr. Charrie wanted to know what constitutes a blighted property and how it compares to the Borough's Code Enforcement, saying more information is needed.
- g. Payment request from Derry Construction. The payment request of \$5,901.73 is the 5% retainage from the paving of The Woods of Brandywine Phase V. All documents have been submitted. Mr. Vacha motioned to pay Derry Construction. Seconded by Mr. Gongaware, the motion carried unanimously.

16. CORRESPONDENCE

- a. None.

17. APPROVAL TO PAY BILLS – Mr. Gongaware motioned to pay the bills as of November 16, 2022. Seconded by Mr. Vacha, the motion carried unanimously.

18. EXECUTIVE SESSION – Mr. Gongaware motioned to go into Executive Session for Personnel Matters. Seconded by Mr. Vacha, the motion carried unanimously at 10:00 P.M.

Mr. Gongaware motioned to return to the Council Meeting. Seconded by Mr. Nemitz, the motion carried unanimously at 10:26 P.M. Topics discussed were: Personnel Matters regarding employee discipline.

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

Jeri Lewis of Manor, questioned the Manor Police Department's purchase of a dog catch pole. Chief Valmassoni said the pole is 5 feet long and he has been trained to use it. She then asked about Harding Street paving. Mr. Lapia answered it was only to be paved from the just above Penn Street to First Street per the Committee's recommendation. Regarding citations for the month, Ms. Lewis wanted to know if 15 Harding Street has been cited for rats. It has not as rats have not been seen. She claims the property is in bad shape and there is trash all over. Mr. Charrie suggests it may be a health issue and an inspector should be called in to investigate. Mr. Lapia was in contact with the estate and was told they check on the property periodically, but have been denied entry to the property by the neighbors who owns adjacent property. Mr. Charrie attempted to clear the way to have the property inspected by pest control. Mr. Vacha suggested the process be started with the Borough's Code Enforcement and

have the estate clean up the property. Once the trash is cleaned up, the rats may go away. Per Council's direction, Mr. Lapia sent letters to the Administrators of the estate in June, who in turn contacted the Borough and assured the Borough there is no rat issue. The Solicitor agreed it is a process and it should go through Code Enforcement. Ms. Lewis then brought up the 1980s when there was a rat problem on Harding Street. She further stated the Borough purchased rat poison for the residents and wants the Borough to again purchase rat poison. The Mayor said the police department will take a look and begin the process.

Mr. Charrie asked if the solid waste contract is up March 2023, which it is. Mr. Lapia noted the second year is up in March with a third option year that expires in 2024. It is likely County Hauling will continue to be the solid waste contractor. He also said the Borough has a decent rate with the company. Overall they are doing a good job and are responsive when issues arise. Mr. Lapia's concern is if Council decides to not go with the third option year, based on contact with other solid waste haulers, the rate is going to rise significantly.

Patty Eathorne of Observatory Street, Manor, commented since the Recreation Board is staffed with volunteers, she feels asking them to put out their own money to purchase items and then be reimbursed later is placing a burden on them. Mr. Lapia clarified that the Borough tries to reimburse them as quickly as possible. He also noted they don't have to spend their own money as there is a purchasing procedure in place requiring a purchase order and having the Borough purchase the items. Ms. Eathorne suggested the Recreation Board have their own checking account. Mr. Lapia responded, per Ordinance, rules have changed, and many years have elapsed since the Recreation Board has needed their own checking account. In regards to the Manor VFD, she notices Council is letting a lot of people use the Community Room for free, yet the VFD is charged a cleaning fee. Mr. Lapia explained the cleaning fee for a free rental was instituted by a prior Council and goes into the General Fund to offset the Janitor's wages and supplies. She asked Council if they were ok working short-handed and if there is anything that can be done for Council members who miss meetings. The Solicitor commented the state Senate has the power to remove a person from Council with a 2/3 vote. She asked how a budget can be passed without a full Council. The Solicitor doesn't think there is much that can be done, but will look into it.

20. MOTION TO ADJOURN - There being no business to discuss, a motion "to adjourn the meeting" was made by Mr. Nemitz and was seconded by Mr. Vacha. The motion carried unanimously. The meeting adjourned at 10:53 P.M.

Joseph N. Lapia
Borough Manager