

**MANOR BOROUGH COUNCIL
MONTHLY BUSINESS MEETING – December 21, 2022**

1. **CALL TO ORDER** – Council President Mr. Tony Gockel called the Council Meeting to Order at 7:00 P.M. on December 21, 2022, in the Manor Community Room and led the
2. **PLEDGE OF ALLEGIANCE.**

3. **ROLL CALL** of Attendance

(Present) Tony Gockel, President

Chuck Charrie (late arrival 7:02PM)

Terry Nemitz

Ed Malinoski, Mayor

Ed Antonacci, Engineer

Dave Gongaware

Jim Vacha

Chelsea Dice, Solicitor

(Absent) Dawn Lynn, Vice-President

George Valmassoni, Chief of Police

Jason Krainbucher, Zoning Office

Christine Marchand

Mike Radakovich, Tax Collector

4. **APPROVAL OF THE MINUTES** for the meeting on November 16, 2022 – A motion “to accept the minutes of the meeting held November 16, 2022” was made by Mr. Vacha, and seconded by Mr. Nemitz. Mr. Gongaware questioned the minutes stating Mr. Nemitz consulted with Mr. Krainbucher was not discussed. Mr. Nemitz did state he talked to Mr. Krainbucher on a couple of occasions about unsafe, blighted properties and Mr. Krainbucher would look at them. He then questioned the fire department funding stating the Penn Trafford News reported a \$5,000 split, with \$2,500 additional going to the fire department, and asked about options including the verbal promise to assist the VFD with unusual expenses, stating it was not in the November minutes. Mr. Vacha asserted the newspaper reported the statement incorrectly. It was restated from the November meeting that Council would review unusual expenses incurred by the fire department. Mr. Gongaware then questioned the blighted properties and Council voting “No” to spend \$8,000 for a blighted property assessment. Mr. Lapia reminded Council the blighted properties were put on the agenda so Ms. Smith could make her comments and not wait until the end of the meeting. Mr. Lapia consulted his notes and there was nothing about a motion in item 15 F. Mr. Gongaware disagreed. The audio recording from the November meeting will be reviewed. If it is found the meeting minutes are in error, they can be corrected and be revoted upon at the January meeting. The motion to accept the November 16, 2022 meeting minutes as written carried by majority. Mr. Gongaware voted “No”.

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

Jeri Lewis of Manor, questioned agenda items from the meeting. She asked Mr. Vacha why the Library has a Lease with the Borough for \$2,778. Mr. Vacha responded that was set up long before he was voted to Council. Mr. Lapia doesn't remember when it started but the Library has a 5-year lease to utilize the space in the Borough building. It increases by 5% each 5-year renewal unless a 6-month notice is given by either party to cancel. She then asked why the Library only gets \$6,000 year in funding. Mr. Lapia noted they initially were not allocated funding in the budget but it was gradually increased up to \$11,500 and then decreased to \$6,000. Ms. Lewis then questioned the Teamsters Legal Defense Fund, which, as Mr. Vacha explained, covers the police if they are acting outside of work, off duty, and assisting in a situation. The Union pays for their attorneys. She is not happy the Borough is spending \$700 of tax payer money on

this item and feels the officers should be paying this fee monthly with their union dues. She queried if Council knows what a false arrest incident is and asserts taxpayer money should not be spent defending the officers. Mr. Vacha stated this was negotiated during the police contract. Solicitor Dice further explained this Legal Defense Fund helps the Borough by having the Teamster attorneys also represent the officer in addition to herself. Ms. Lewis went on to the Harding Street paving and El Grande Industries, stating she was excited her street was going to be paved, but wants to know why all of Harding Street was not paved. Mr. Antonacci responded that was where the limit was set for the 2022 paving. She noted that Mr. Charrie's Street was paved and called it a "perk". Mr. Charrie commented he looked at the paving project, felt Hill Street was in more need and Council agreed to change the project. Ms. Lewis was not happy.

6. **MAYOR'S REPORT** – Mayor Malinoski reported a name change in the Manor Community Fair to Manor Community Day. The Holiday Craft fair generated \$465 and the fund raising for 2022 has amounted to \$3,050.04. The Mayor expects \$500 in donation from the Manor Legion and is planning a Cornhole Tournament February 18, 2023. Code Enforcement has netted 3 code violation citations. Regarding the Borough's Emergency Action Plan, former Mayor Woy, when consulted by Mayor Malinoski informs the Borough has adopted the Westmoreland County Hazard Mitigation Plan. Mayor Malinoski reviewed the plan and it only relates to natural disasters and feels something should be planned for Manor Borough with the input from the EMA Coordinator, Police Chief and Fire Chief. Regarding the police overtime budget going over \$20,500 from budgeted, he feels the scheduling did not take into account vacations, training and illness, and an additional full time and part time police officer is needed. Mr. Lapia added there was a 5th full time officer budgeted for 2022, but the Chief did not want to hire a 5th officer. A part time officer was working just under 40 hours a week but left for employment elsewhere. Mr. Vacha also cited the part timer working a knock-out shift which creates overtime. He is hopeful the knock-out shift will not be an issue in 2023. Mayor Malinoski invited Council to tour the police station so he could point out the safety and structural issues. The Mayor reported he received correspondence from the Manor Library stating they do not wish to relocate at this time. He stated the Library is not a Borough asset and they are occupying valuable Borough real estate. The Mayor has 5 options for the police department: Build a new police department which is costly; Section off space in the Community Room for the police department which has met with community disapproval; Vacate the Library for the police department which the Library will not agree to; Keep the police department at the current location and make improvements to the building; Swap the Borough Administration office with the police department. The Mayor is asking Council to suggest the best option and to move forward. Mr. Vacha added he wants to wait until there is data from the Engineer in regard to the status of the building. Mr. Antonacci has set up a base line, with pins, and is taking periodic readings over 6 weeks to see if the building is shifting. He should have data by the January Council meeting. The Mayor feels the building needs repaired, no matter who occupies the police department building. Mr. Vacha feels a wait and see approach is best to determine a course of action. Mr. Charrie feels confident the building is moving and also feels the best time would be spring to view the data after freeze and thaw. Mr. Lapia joined in and agrees the police department and the public works department are affected. Several years ago, there was a estimate from PA Water and Soil for soil boring that was in the range of needing a formal bid process. Council at that time did not move on the action. Mr. Charrie summarized the history of the library space in the Borough Building stating that it was originally intended to house the current library but the library decided at the last minute they didn't want to be controlled by the Borough and declined to move in. The

Borough opened its own library which closed when a change in Council occurred. He then stated he was in favor of the Library swapping locations with the police department as Libraries are being killed by the Internet and don't require as much space. He suggested the Borough use it's 6-month option to terminate the lease. Mr. Vacha suggested at the next Council meeting, place the Mayor's want for a camera system and one-way glass at the police station onto the agenda. That would be a step in the right direction until the Engineering data is collected. Mr. Lapia noted since the bridge project will start in 2023 and 2 utility poles will be eliminated, new exterior lighting has been ordered for the Public Works and Police Station to illuminate the parking area. Mr. Nemitz asked about the core samples at the Public Works and Police Station. Mr. Charrie said it is likely the building is on enough rock to be stable. The Engineer concurred. The Mayor indicated he was leaving to be with family, 8:12 P.M.

7. SOLICITOR'S REPORT - None.

8. ENGINEER'S REPORT – None.

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 November 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 November 2022. Seconded by Mr. Vacha the motion carried unanimously.

13. COMMITTEE REPORTS

- a. Building & Properties (Ms. Lynn) – None.
- b. Community Betterment & Environment (Mr. Gongaware) – None.
- c. Finance (Mr. Vacha) – None.
- d. Personnel & Administration (Mr. Vacha) – None.
- e. Planning & Zoning (Mr. Charrie) – None.
- f. Public Safety & Maintenance (Mr. Nemitz) – The police radios were received and placed into service. The feedback from the officers has been favorable. The older radios require a new microphone due to equipment mismatch and damage. A meeting with County Emergency Management is needed and Mr. Nemitz is hoping to do this during the first quarter of 2023.

14. OLD BUSINESS

- a. None.

15. NEW BUSINESS

- a. Adopting the Budget for 2023. A revised budget was sent to Council for review showing increased amounts for Dental/Vision Insurance. Mr. Charrie asserts the Borough has lost scope as to how to represent the Borough and claims the budget never went before a committee, just one member of the Finance Committee. President Gockel reported both he and Mr. Vacha separately reviewed the budget line by line with the Borough Manager. Mr. Charrie continued to assert the budget was not approved by the Committee, and the

draft budget did not provide enough information. He does not like the way the budget is prepared and feels Council has no input. Mr. Lapia explained some things change from year to year that can't be planned, therefore those items are may be budgeted slightly higher than end of year actuals. He also reported some areas like Planning and Zoning were increased due to the Planning Commission meeting more often, needing to update the SALDO, and MS4 was increased due to the uncertainty of requirements for 2023. The budget draft was sent to all members for review and comments. Mr. Charrie wants the budget created in an open forum with the public present. He then went on to inquire about several budget items which Mr. Lapia explained the existence and the amounts budgeted. Mr. Vacha assured Mr. Charrie a 5-year budget is reviewed and a trend is used to determine the current year budget. Mr. Charrie talked about a breezeway outside of the rear Community Room door to lessen the railroad noise. This was part of the original building design but wasn't built. He then went on to explain the need to increase the budget for Planning and Zoning as concurred by the Solicitor as the SALDO needs updating. Mr. Charrie motioned to increase the amount for Ordinance Amendments to \$5,000. Seconded by Mr. Gongaware, the motion carried unanimously. Mr. Gongaware motioned to adopt the Preliminary Budget, as amended, to include the increased funds to Planning and Zoning and the increase to the Dental/Vision Insurance benefits for the Public Works and the Police Department. Seconded by Mr. Nemitz, the motion carried unanimously. The roll call vote is as follows:

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

- b. Resolution 2022-23 setting real estate tax millage for 2023. It is 17.5 and there is no need to change the millage rate. Mr. Vacha motioned to adopt Resolution 2022-23 and keep the real estate tax millage rate at 17.5. Seconded by Mr. Gongaware, the motion carried unanimously. The roll call vote is as follows:

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

- c. Resolution 2022-24 setting sewer rates for 2023. Mr. Vacha motioned to accept Resolution 2022-24 setting the sewer rates for 2023. Seconded by Mr. Nemitz, the motion carried unanimously. The roll call vote is as follows:

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

- d. Resolution 2022-25 waiving Employee contributions to the Police Pension Plan. Mr. Gongaware motioned to adopt Resolution 2022-25 waiving the Employee contributions to the Police Pension Plan. Seconded by Mr. Nemitz, the motion carried unanimously. The roll call vote is as follows:

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

- e. Approving calendar of monthly meetings for 2023. Mr. Gongaware motioned to approve the calendar of monthly meetings for 2023. Seconded by Mr. Nemitz, the motion carried unanimously. Solicitor Dice commented 2 of the Planning Commission meetings are the second Monday of the month, instead of the third Monday of the month, so they can be held prior to the Council Meeting.
- f. Naming Penn Trafford News as the Official Borough Newspaper. Mr. Nemitz motioned to name the Penn Trafford News as the Official Borough Newspaper for 2023. Seconded by Mr. Charrie, the motion carried unanimously.
- g. Payment Request from El Grande Construction. Mr. Gongaware motioned to approve payment to El Grande Construction in the amount of \$216,951.90 for the 2022 paving project. Seconded by Mr. Vacha, the motion carried unanimously.
- h. Updating Borough Message Sign. Mr. Lapia explained he had an updated quote in 2020 for repairs to the sign. The a la carte estimates ranged from \$3,500 for a new cabinet to \$14,495 for a new electronic sign. Mr. Lapia cautioned the Borough does not own the property where the Borough Message Sign is located and no one is sure where the Railroad right of way is. Since Mr. Gnesda from the Planning Commission, who is spearheading this project, could not attend the meeting, Mr. Nemitz motioned to table the discussion until the January Council Meeting. Seconded by Mr. Charrie, the motion carried unanimously.
- i. 2023 Street Paving Project Discussion. Mr. Antonacci suggested a group of roads, Fairview Drive: From Sandy Hill Road to Longview, which was last paved in 2002; Longview Drive from Fairview to the cul-de-sac, which was paved in 2001 by the Developer; and Orchard drive cul-de-sac. He recommended combining these streets as it reduces the amount of mobilization and expense if paving is done in the same area. He also mentioned Chestnut Street as an option since it was dug up in areas by the water company. Mr. Charrie asked about the top of Rowe Road. Mr. Antonacci noted the Borough will be applying for a Dirt and Low Volume Road Grant that should help with the drainage on the lower section of Rowe Road. Mr. Nemitz asked about Mt. Pleasant Blvd and the Gas Company work. The Gas Company is supposed to have their paver do a full repave of the area that was torn up during the gas line replacement. Mr. Lapia noted within a few years, with all of the base repair done to the streets, paving should be mostly a mill and overlay. Mr. Antonacci will prepare an estimate of the cost of paving the streets discussed for the next meeting.
- j. Hiring a part-time police officer. After discussion and since the Mayor and the Chief were not present, Mr. Vacha motioned to table the matter until the Public Safety Committee meets with the Mayor and the Chief of Police. Seconded by Mr. Nemitz, the motion carried unanimously.

16. CORRESPONDENCE

a. None.

17. APPROVAL TO PAY BILLS – Mr. Vacha motioned to pay the bills as of December 21, 2022. Seconded by Mr. Gongaware, the motion carried unanimously.

18. EXECUTIVE SESSION – There was no Executive Session.

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

Jeri Lewis of Manor, questioned Solicitor Dice if she has read the Solicitor's Handbook for 2019. Ms. Dice cannot say for certain. Ms. Lewis asked what is Code Enforcement. Ms. Dice responded it's violating any of the Borough's Ordinances and the police can follow through with citing individuals and filing with the magistrate to get the individuals to comply. Ms. Lewis asked if Ms. Dice thought it was equal protection under the 14th Amendment, that the Borough enforce all ordinances equally. Ms. Dice responded that realistically the Borough will tackle the most serious issues first, especially in regards to public safety. Ms. Lewis wants to make an appointment with Ms. Dice to show her the condition of the late Carl Altman house. Ms. Lewis states "I got one today" and she disputed the 3-minute time limit for her comments.

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. Charrie. The motion carried unanimously. The meeting adjourned at 9:41 P.M.

Joseph N. Lapia
Borough Manager