

MANOR BOROUGH COUNCIL
AGENDA FOR MEETING ON September 18, 2024

1. CALL TO ORDER – Acting Council President Ms. Dawn Lynn called the Council Meeting to Order at 6:30 P.M. on September 18, 2024, in the Manor Community Room and led the
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL

(Present)	Dawn Lynn, Acting President	Ted Dornin
	Dave Gongaware	Terry Nemitz
	Jim Vacha	Chuck Charrie
	Tony Gockel, Acting Mayor	Chelsea Dice, Solicitor
	Ed Cycak, Engineer	Randy Carlson, Chief of Police (Arrived at 6:32 P.M.)
	Mike Radakovich, Tax Collector	
(Absent)	Jason Krainbucher, Zoning Officer	

4. APPROVAL OF THE MINUTES for meeting on 09/04/2024 – Mr. Dornin motioned to accept the meeting minutes for the meeting held on September 9, 2024. Seconded by Mr. Vacha, and Mr. Nemitz abstained. The motion carried unanimously.
5. PUBLIC COMMENT – AGENDA ITEMS ONLY – Ms. Lewis wanted to discuss the meeting minutes from the August business meeting. She read from those meeting minutes that said “she also stated she wanted council to make a decision about the American Rescue Plan Funds”. Ms. Lewis stated that she never said that. She also read the following for those meeting minutes: “She also stated that this new restroom would not be ADA compliant.” Ms. Lewis stated that she did not say that because she has not seen the drawings or anything on the new ADA restroom. Mr. Nemitz stated he did hear her say it. Ms. Lewis stated he was wrong. She stated that the engineer spoke about the Denali, and that she knows what it is. She stated that she has not gone to Twin Lakes Park to see it yet, but she did find it on a map. She stated that she did not say the Denali restroom is not ADA compliant. She stated that the other one that council wanted to put on the hill would not have been ADA compliant. Ms. Lewis read “Mr. Vacha stated that council has been working on getting a new ADA compliant restroom, and that it was previously stated that it was too expensive to renovate the current restroom.” She asked, through the chair, Mr. Charrie if it is a true fact. Mr. Charrie stated that it depended on how much you think it is going to cost. He stated if the statement is it too expensive then he does not know what to compare it to. Mr. Vacha stated that Mr. Charrie was getting quotes to make the restroom ADA compliant, and that Mr. Charrie had said that he was not going in there because it was too expensive. Mr. Vacha stated Mr. Charrie never gave council quotes for the renovation. Mr. Charrie stated the contractor was supposed to quote for just renovating the inside of the restroom, but instead included renovating the outside of the restroom too. He stated that this was brought up at a previous meeting along with the prefabricated restroom is why he did not go further with the renovation plan.

6. MAYOR'S REPORT – Mr. Gockel reported that council should have received a copy of the police report and the code enforcement report, and to direct any questions to the chief. The chief reported that there were 98 calls for the month of August. He reported that there were 3 traffic citations, 2 verbal warnings, 4 code enforcement investigations, 4 criminal cases, and 2 arrests.
7. SOLICITOR'S REPORT – None.
8. ENGINEER'S REPORT – Mr. Cycak reported that they have received all close out documents for the 2024 street reconstruction project, and that retainage can be released. He reported that they had a final walkthrough at the park with DCNR, and DCNR authorized the release of the retainage. Mr. Cycak reported that they have reviewed submittals for the Oak & McKelvey sewer project, and anticipate the contract being signed after the meeting. He reported that they are waiting for more submittals before scheduling a pre-construction meeting, and are planning to start work on October 7, 2024. He reported they began work on the notice of intent of renewal for the annual MS4 report.
9. ZONING OFFICER'S REPORT – None.
10. BOROUGH MANAGER'S REPORT – The borough manager reported that it would cost \$3,700 for Jefferie's and Associates to install the basketball hoops, and that it would cost about \$2,000 to do it in house. He reported that he is not sure about how comfortable they are about doing the installation because they have not done this previously. The borough manager reported that public works will install the benches and picnic tables, and he will get more information about the basketball hoop installation to the parks and recreation committee.
11. TREASURER'S REPORT – Mr. Gongaware motioned to approve the treasurer's report for the month of August 2024. Seconded by Mr. Dornin, and the motion carried unanimously.
12. TAX COLLECTOR'S REPORT – Mr. Charrie motioned to approve the tax collector's report as presented. Seconded by Mr. Gongaware, and the motion carried unanimously.
13. COMMITTEE REPORTS
 - a. Building & Properties – Mr. Gongaware reported that he has received calls from residents about skunks in the borough. He stated that he knows someone who traps them, and he can get a quote from them. Ms. Lynn asked who takes care of this now, and the borough manager answered the residents themselves.
 - b. Community Betterment, Parks & Recreation – Mr. Dornin reported that there is a reorganization meeting for the recreation board scheduled for September 30, 2024 at 5:30 PM. He then introduced Linda Bires from PTARC. Ms. Bires introduced Joy Clontz and Michael Ginsburg from Friends of PTARC. She stated Friends of PTARC is an organization that raises funds to renovate and develop parks and recreation facilities in the Penn-Trafford area. Ms. Bires presented a check for \$1,500 to Council for the purchase of benches for the park. Mr. Ginsburg stated that this weekend is the annual fall festival in Penn

Township, and they will be hosting the PTARC car cruise. He also mentioned that they host a 5k every year in July.

- c. Personnel & Finance – Mr. Vacha reported there is meeting scheduled for September 27th for the budget, and that all requests should be submitted by that date.
- d. Community Outreach & Communication – Ms. Lynn reported that her and Mr. Nemitz will discuss the borough welcome signs. Mr. Nemitz stated that the current borough signs are in bad shape, and that he asked the borough manager to get quotes for new signs. He stated that it would cost \$165.50 for the sign and \$57.06 per post and each sign needs two posts. For 10 signs and posts, it would cost \$2,796.20. The borough manager stated installation would be done in-house and 9 signs are needed and 1 sign would be extra. Mr. Nemitz stated that he is in favor of this project and asked the borough manager where it could be funded from. The borough manager stated if it is a capital project then it could be taken out of the capital expenditure fund. Mr. Nemitz asked that this issue be put on the agenda for the next meeting.
- e. Planning & Zoning - Mr. Charrie reported everything he needs to speak about is on the agenda. Ms. Lynn stated that there will be a trunk or treat on October 19, 2024 11:30 AM until 3 PM, and the location is to be determined. Chief Carlson stated that they would like local businesses to donate a trunk and treats, and they would like to have a pet parade. Ms. Lynn stated she will advertise in the newspaper once they have final details.
- f. Public Safety & Public Works – The borough manager reported that he received an email from a resident regarding putting a trucks no right turn sign for trucks at the bottom of Hill Street. He stated that there needs to be an ordinance for it to be enforceable and that council would have to make a motion for the solicitor to draft the ordinance. Mr. Charrie stated that he has seen many trucks on this street that have ignored multiple signs. The borough manager stated that there are signs there now before you get to this turn. Mr. Nemitz asked what the verbiage is on these signs, and the borough manger stated that they say 1.1 miles no vehicles over 20 feet allowed on Hill Street. Mr. Nemitz asked about putting LED lights around the sign to attract attention to the sign because there are many out of state truck drivers. Mr. Charrie asked about putting up the sign without an ordinance, and Solicitor Dice said that it would not be enforceable without an ordinance. Mr. Gongaware motioned for the solicitor to draft an ordinance. Mr. Nemitz seconded and the motion carried unanimously.

14. OLD BUSINESS

- a. Discussion and/or Deliberation and/or Official Action on updating sewer rules and regulations. – The borough manager stated that the engineer is working on the specifications for pipe lining, and it will be sent to the solicitor for review. The solicitor stated if she has all needed information, she will have the resolution ready for next month's meeting. Mr. Charrie asked if this was amending ordinance 588-20-03, and Solicitor Dice stated she was not sure of the number of the ordinance. The borough manager stated it was the 2012 sewer lateral inspection program ordinance.
- b. Discussion and/or Deliberation and/or Official Action on Manor Park restroom. – Ms. Lynn stated that this has been presented at previous meetings, and that they were interested in option 1 for a location. The borough manager stated that it was changed to option 1 for ease of connecting to utilities. Mr. Vacha stated he has a copy of the engineer's estimate for the work. The Denali

restroom would cost \$157,820, and it includes delivery and being set on site. The engineer estimated \$79,897 for site preparation, but about \$15,000 of that work can be done in house. Also included in that estimate is a 5% contingency that may or may not be needed, and electric is not included in this estimate. Mr. Gongaware asked if this should go to committee, and Mr. Vacha suggested the chairs of the parks & recreation and buildings & properties should meet with council president. Mr. Charrie wants the separate committees to meet first, and then have a meeting with both chairs with council president. Mr. Charrie motioned to send this to the parks and recreation committee and to the buildings and property committee to have two separate meetings set by those committees. Solicitor Dice asked to clarify that the both committees will meet, and the two chairmen will meet to provide a recommendation to council, and Mr. Charrie said yes. Mr. Nemitz seconded the motion. Mr. Vacha asked Ms. Lynn who she will appoint to her seat on the parks and recreation committee. Ms. Lynn appointed Mr. Nemitz. Mr. Gockel requested that this be done quickly. The motion carried unanimously.

- c. Discussion and/or Deliberation and/or Official Action on American Rescue Plan Funds. – Mr. Gockel suggested replacing the decking on the bridge and asked the borough manager for a quote for this and the railing. He asked the solicitor if this is possible, and the solicitor stated she would need to research this further. Mr. Gockel also stated a resident asked him about replacing the sign and asked the solicitor if this was possible. Solicitor Dice stated if the sign was electronic and able to display emergency alerts then it would qualify under broadband. Mr. Charrie stated he agrees with spending this money to better the community, but he does not agree with using the \$10 million exemption as lost revenue. Mr. Gockel stated he agreed and that they are trying to find ways to better the community. Ms. Lynn stated she gave a list to the Borough Manager. She asked the Borough Manager if anyone else had reached out and he answered no. Mr. Vacha stated they have discussed other projects like the park restroom, park bridge, and the sound system. Mr. Charrie asked if they could broadly categorize the money or is exact projects needed. Mr. Vacha asked if they could use some of the funds for the sound system, and Solicitor Dice said yes, under broadband. Mr. Vacha asked if the park restroom would qualify, and Solicitor Dice stated she would need to research further. Ms. Lynn stated they have two months to make a decision. Mr. Vacha stated that they can use it on the sewer project if it came down to the last minute. Mr. Gockel asked that if anyone has an idea to share it, and if they agree with a decision to share that.

15. NEW BUSINESS

- a. Discussion and/or Deliberation and/or Official Action on accepting the resignation of Mayor Edward Malinoski. – Mr. Gongaware motion to accept the resignation of Mayor Edward Malinoski. Mr. Nemitz seconded, and the motion carried unanimously. Mr. Gockel asked about setting a deadline for accepting letters of interest. Solicitor Dice stated that they do have 30 days to appoint someone to the position. Mr. Gockel asked about how much time are needed for interviews. The borough manager stated October 2nd would allow for two weeks for interviews. Ms. Lynn asked about residency requirements for applicants, and the borough manager stated that they need to have lived in the borough for at least a year. The borough manager asked about a deadline for letters, and Ms. Lynn responded October 2nd. The borough manager asked

for a time, and Mr. Nemitz suggested 4 PM. The borough manager suggested 3PM and Mr. Nemitz agreed.

- b. Discussion and/or Deliberation and/or Official Action on a conference table and podium for council meetings. – Mr. Charrie stated that the drawing from the contractor shows a table that seats 16 with 4 on each side and 8 in the middle, and it has closed ends and front. It also includes a new podium. Mr. Gongaware asked if it would be permanent, and Mr. Charrie stated wheels can be put on it. The borough manager asked if it was one piece, and Mr. Charrie stated it is three separate pieces. Mr. Nemitz asked if the podium is on wheels, and Mr. Charrie said yes. Mr. Charrie stated that the table and microphones would make it a multi-use room. Mr. Vacha is concerned about being cramped because it is smaller than the current tables. Mr. Charrie stated it could be made bigger by having the ends at a 30-degree angle and extending the end. The borough manager suggested moving it to the adjacent wall because he is concerned about blocking the table storage. Mr. Vacha suggested having the contractor come in a tape where the tables would go, and Mr. Charrie agreed. Mr. Vacha motion to table this. Mr. Nemitz seconded, and the motion carried unanimously.
- c. Discussion and/or Deliberation and/or Official Action on purchasing a sound system for the Community Room. – Mr. Charrie said the estimate is for an 8-person conference system including cables, extension cords, USB pack, and a storage case. He does not believe the case is necessary. The borough manager asked what the case stores, and Mr. Charrie stated everything except the speaker system. The borough manager suggested getting the case to store it for the time being. Mr. Vacha asked if the tables are made bigger, would they need more cable, and Mr. Charrie stated that cable extensions would be needed and are available. The borough manager asked about the microphone for the podium, and Mr. Charrie stated it would be wireless. Ms. Lynn asked about getting a copy of the quotes from other companies, and Mr. Charrie stated that he has them and will get them copies. Mr. Vacha asked if this would cost the stated \$7,644.60, and Mr. Charrie said yes, including the cases. Mr. Dornin motioned to purchase the system not to exceed \$7,644.60. Mr. Gongaware seconded. Mr. Vacha asked about using the American Rescue Funds to purchase it, and Solicitor Dice said she believes they can under the broadband category. Mr. Vacha asked Mr. Dornin to amend his motion to include this if possible, and Mr. Dornin amended his motion. The motion carried unanimously.
- d. Discussion and/or Deliberation and/or Official Action on Police Civil Service Testing. – Mr. Gockel stated he met with the chief and the police department staff, and he believes they need another full-time officer. Mr. Gongaware asked what they are voting on, and the borough manager stated to advertise and to conduct the test. Mr. Charrie asked how often do they need to do this, and the borough manager stated that the list is good for one year and can be extended for another year. The borough manager stated that typically there are not many candidates on the list, and those candidates usually move on to other opportunities, so a new list is needed. Mr. Nemitz motion to approve the police civil service testing. Mr. Vacha seconded. The borough manager asked if they need to decide due dates or does the civil service commission decide. Solicitor Dice stated the civil service commission will decide. Mr. Charrie asked if current officers can apply, and the borough manager said yes. The motion carried unanimously. Mr. Gockel thanked Council.

- e. Discussion and/or Deliberation and/or Official Action on approving Non-Surface Oil & Gas Lease with Apex Energy. – The borough manager stated that this has been discussed, and the solicitor reviewed it. Solicitor Dice stated that they will receive \$1,500 per acre and royalties, and if they do not do this, the company will get the oil a different way. Mr. Vacha asked how long this lease is for. The borough manager state it was for five years and there is an option to extend it if it is producing. Mr. Gongaware asked how this would affect the borough financially, and the borough manager stated they would receive about \$9,000 and royalties. Solicitor Dice stated that they will drill regardless, and this is the best way to get paid for it. Mr. Vacha motion to approve the lease. Mr. Nemitz seconded, and the motion carried by majority with Ms. Lynn as opposed.
- f. Discussion and/or Deliberation and/or Official Action on holding a trunk or treat event. – The chief stated he wants to reach out to local businesses to donate a truck for the trunk or treat. He also stated that they would like to have costumed pet parade, and he would like to award gift cards to the best costumes. The pet parade would follow the same route as the pet parade during Community Day, and it would be a rolling barricade with the police. The borough manager asked where this would be held, and Ms. Lynn stated the borough building parking lot. The borough manager stated they would not be able to us the lot because the room is already rented. Ms. Lynn asked if it could be moved, and Mr. Charrie stated they are discussing it. Mr. Dornin motioned to hold the event on October 19th with the location to be determined. Mr. Nemitz seconded, and the motion carried unanimously.
- g. Discussion and/or Deliberation and/or Official Action on Resolution 2024-11 approving applying for a LSA Category 4 grant for the Manor Volunteer Fire Department. – Mr. Nemitz motioned to approve Resolution 2024-11. Mr. Vacha seconded. The roll call vote is as follows:

Ms. Lynn	- Yes	Mr. Gongaware	- Abstain
Mr. Charrie	- Yes	Mr. Nemitz	- Yes
Mr. Dornin	- Yes	Mr. Vacha	- Yes

- h. Discussion and/or Deliberation and/or Official Action on payment request from Derry Construction. – Mr. Cycak stated that they have received all closeout documents, the punch list was completed, and they have the maintenance bond. Ms. Lynn asked what the amount is and the borough manager stated it was \$11,383.84. Mr. Gongaware motion to approve payment to Derry Construction. Mr. Nemitz seconded, and the motion carried unanimously.
- i. Discussion and/or Deliberation and/or Official Action on update to Borough Zoning Ordinance. – Solicitor Dice stated that the completed ordinance was sent to council, and it was sent to the Westmoreland County Planning Department. She stated that they have received comments from the county that can be talked about at the public hearing. She recommends having a separate public hearing for this and that it needs to be advertised twice. She stated that after the final public hearing on this, council has to accept or deny it within 90 days, and if passed, sent to the county within 30 days. Solicitor Dice stated she needs council to make a motion to advertise for this hearing and the date of this hearing. She stated the public should be able to review it, and they can get it either printed or emailed. The borough manager asked if there is going to be a comment period for changes, and the solicitor stated that it is council's decision. Solicitor Dice also stated it is Council's decision to amend the ordinance based on comments. Mr. Charrie believes changes or

comments from borough officials should go to the planning commission first before the public hearing. Solicitor Dice stated she can compile comments from borough officials, and they would not change the ordinance that was sent to the county. She stated she would add their comments to the public record. Mr. Charrie would like the comments before the public hearing and would like to have the public hearing before the next council meeting. Mr. Charrie suggested October 14th for the public hearing. The borough manager stated that it was the planning commission meeting and Columbus Day and the borough office would be closed. Ms. Lynn and Mr. Vacha suggested October 15th. Mr. Charrie motion to hold the public hearing on October 15th at 6:30 PM. Mr. Gongaware seconded, and the motion carried by majority. Mr. Dornin opposed.

- j. Discussion and/or Deliberation and/or Official Action on ratifying the sale of the 2008 GMC 5500 dump truck. – Mr. Dornin motioned to ratify the sale of the 2008 GC 5500 dump truck. Mr. Gongaware seconded, and the motion carried unanimously.
- k. Discussion and/or Deliberation and/or Official Action on payment request from Dun Rite Construction. The borough manager stated that this payment is the retainage from the paving in the park. Mr. Gongaware motioned to approve payment to Dun Rite Construction. Mr. Dornin seconded, and the motion carried unanimously.
- l. Discussion and/or Deliberation and/or Official Action on payment request from El Grande Industries. – Mr. Dornin motioned to approve Payment to El Grande Industries. Mr. Gongaware seconded. Mr. Charrie asked when this project was approved, and the borough manager responded in August. The motion carried unanimously.
- m. Discussion and/or Deliberation and/or Official Action on payment request from A&H Equipment. Mr. Dornin motioned to approve payment to A&H equipment. Mr. Gongaware seconded, and the motion carried unanimously.

16. CORRESPONDENCE – None.

17. APPROVAL TO PAY BILLS – Mr. Gongaware motioned to pay the bills as of September 18, 2024. Seconded by Mr. Dornin, and the motion carried unanimously.

18. EXECUTIVE SESSION for personnel matters and matters of potential litigation. – Mr. Nemitz motioned to go into executive session. Seconded by Mr. Gongaware, the motion passed unanimously at 8:50 PM. Mr. Nemitz motioned to return to regular session. Seconded by Mr. Dornin, the motion passed unanimously at 9:03 PM. Discussed were matters of potential litigation regarding property.

19. CITIZEN COMMENTS/PUBLIC COMMENTS (From Sign-Up Sheet) – Ms. Lewis stated the recreation board will be holding a public meeting on September 30th in the community room. She read “if you are person with a disability and wish to attend the meeting and require an auxiliary aid, service or other accommodation to participate in the proceedings, please call the borough office to discuss how the borough may best accommodate your needs”. Ms. Lewis stated if someone came in and needed sign language, the borough does not have an interpreter. Ms. Lewis stated that on her complaint with Department of Justice under the ADA, there are more things that need to be done. She stated the doors are not ADA compliant, and the borough office and police department need TTY machines. In reference to the Local Fiscal Recovery Funds, she stated it did not go through council to get approved. She read a section

Title II of the Americans with Disabilities Act of 1990 that prohibits discrimination on the basis of disability for local government programs, activities and services. She stated that under the rescue plan, council has to comply with Title II of the ADA.

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. Dornin. The motion carried unanimously. The meeting was adjourned at 9:08 PM.

Joseph N. Lapia
Borough Manager