

**MINUTES
WEST MIDDLESEX BOROUGH
COUNCIL MEETING
SEPTEMBER 20, 2022
6:30 p.m.**

Call to Order

Pledge of Allegiance

Council Present: President Eric Lucich, Vice-President David Moyer, Pro Tem Tim Webster, Bill Novak and Mayor Stacey Curry. Robert Lark was absent.

Others Present: Attorney Robert Tesone, Secretary/Treasurer Sandra Ricci on Zoom, Shenango Township Police Officer Fire Chief Rich Garrett, Barb Lipinski, Virginia Barris, Harry Kornbau, Ray Lucich and Robert Lucich.

Public Comments: Mr. Kornbaugh addressed the tree limbs by Circle K that need trimmed to be able to read signs. Ms. Lipinski also agreed. Mr. Lucich said he would speak with the Street Department. Ms. Barris addressed a developer interested in property that is adjacent to hers and she commented they should be told there are fuel tanks in that ground. Mr. Lucich said he spoke with Ms. Barris about this issue which is behind Bob Barris' trailer that he believes the Dubrasky's own in a wooded area and he said they may be surveying the area. Mayor Curry said she heard it was purchased. Ms. Barris said they are interested in a few pieces of property, on the road and behind it. Ms. Barris said that road is full of things and she mentioned old gas stations and they used to call it gasoline alley. Mr. Lucich said he thinks the Government came in and did some work at the old Texaco gas station. Mr. Lucich said he doesn't know who is purchasing it, just an interested party came and asked us questions. Mayor Curry asked Mr. Lucich to reach out to the engineers to talk to them. Mr. Webster said Ed Winslow Engineers had been in to talk with Council at a meeting and that somebody had been in contact with him, that someone had looked at the property but that they didn't actually have projects or if they were just looking at it. Mr. Lucich said he will contact Mr. Winslow and see if they can communicate with them, if there are still tanks in the ground, but as far as he knows right now there's nothing really happening and that they were just surveying.

Minutes of August 10 and August 16, 2022: Mr. Novak made a motion to accept the Minutes, seconded by Mr. Moyer with all in favor.

Bills: Mr. Webster made a motion to accept the Bills, seconded by Mr. Novak with all in favor.

Treasurer's Report: Mr. Moyer made a motion to accept the Treasurer's Report, seconded by Mr. Novak with all in favor.

Committee Reports: Mr. Lucich said he is waiting for more information regarding the DCED study for the municipalities and made reference to the Wheatland/Hermitage consolidation. He said when he finds out more, he will relay it to everyone.

Mayor Curry addressed the pool situation. She said they have a plan to renovate the pool, to extend the building and make the concession stand area for improved storage with donations from Lackawannock and West Middlesex, and she said she doesn't know how Shenango has voted yet. Mayor Curry said she is trying to renovate and update everything, Brian Foster from COG had asked her to contact us to see if there is a possibility regarding the top rails and the slats are in need of repair and he wondered if there was any way the back of the storage containers can be painted so they look less like storage containers. Mayor Curry said what they are trying to do is make the park, the baseball field and the pool look less industrialized. Mayor Curry said hopefully they will receive a Grant for the playground for next year. She said she is asking Council if there was any way they would be interested in helping. Mayor Curry said she spoke to our Street Department and they said they can help with the repairs of the fence because it's not really a big job, it's just the top rails and the slats. Mayor Curry said she put in a second quote for the playground equipment since the first quote was fairly high and she has the invoices from the last playground that the Borough put up. Mayor Curry said what they plan on doing is roughly the same cost as thirty (30) years ago and she's seeing if another company that is less expensive can come in with better products.

Fire Department Report: Fire Chief Rich Garrett read the Fire Department Report.

Police Department Report: Shenango Township Police Officer read the Police Department Report.

Jefferson Sommers – Progressive Energy Rates: Eric Lucich said he is going out of order of the Agenda regarding speaking to Jefferson Sommers talking about the Progressive Energy Rates that they talked about last month during the meeting. He did not have it on the Agenda to vote on it so they can do it now if they wish to do so. Mr. Sommers explained the market rates with pricing. Mr. Sommers suggested that Council take advantage of today's prices to lock them in. He said they won't go over today's price, but they can do down based on markets. Mayor Curry asked what the plan was that would save \$4,200.00 per year and Mr. Sommers said the forty-eight (48) month term based on the pricing for Penn Power. Mr. Lucich and Mr. Sommers discussed the companies Engie's and Constellation's prices. Mr. Sommers suggested staying with Engie with either the 48 or 36 months due to prices and outlooks. Mr. Sommers said if they think things will get better, they may go with the shorter term of 36 months but he said being honest with them, for the last two years he's seen prices going up. Mr. Novak made a motion to accept Engie for the forty-eight (48) month term, seconded by Mr. Moyer. Mr. Lucich was also in favor, with Mr. Webster opposing. Mr. Sommer said he will email the information in the morning and Mr. Lucich will be the primary signature on the contract.

Adopt Ordinance No. 1 of 2022 BEING THE FIRST AMENDMENT TO ORDINANCE NO. 3 OF 2017 OF THE BOROUGH OF WEST MIDDLESEX, MERCER COUNTY, PENNSYLVANIA PROVIDING FOR RESTRICTED RESIDENTIAL DISABILITY PARKING ON BOROUGH STREETS AND RIGHTS-OF-WAY, AND ESTABLISHING PROCEDURES TO APPLY FOR SUCH RESTRICTED PARKING SPACES REPLACING ANY REFERENCE TO THE CHIEF OF POLICE IN THE ORDINANCE TO THAT OF THE BOROUGH CODE OFFICER, PROVIDING FOR SEVERABILITY OF THE PROVISIONS OF THE ORDINANCE, REPEALER OF CONFLICTING ORDINANCES AND THE EFFECTIVE DATE OF THE ORDINANCE: Mr. Moyer made a motion to accept, seconded by Mr. Novak with all in favor.

Notice is given in accordance with Section 708 of the Pennsylvania Sunshine Act an Executive Session was held on August 29, 2022 at 5:30 p.m. at the Borough Building for the purpose of negotiations with Teamster's Local No. 261 pertaining to a Collective Bargaining Agreement with eligible Borough Employees: President Eric Lucich read this acknowledgement aloud to all.

Notice is given in accordance with Section 708 of the Pennsylvania Sunshine Act an Executive Session will be held on September 22, 2022 at 5:30 p.m. at the Borough Building for the purpose of negotiations with Teamster's Local No. 261 pertaining to a Collective Bargaining Agreement with eligible Borough Employees: President Eric Lucich read this acknowledgement aloud to all. Attorney Tesone said one Notice was for the past and the other for the future. Eric Lucich confirmed that one already happened and one will happen.

GPI Invoice: Paving & Storm Sewer - \$6,104.00: Council needed to clarify the dates on GPI's Invoice which was stated Paving & Storm Sewer 2021. Mr. Lucich said he thought this project started in 2021 and was actually completed in 2022.

Mayor Stacey Curry – Ongoing Road Repairs: Mayor Curry asked Council's thoughts since they have good momentum with improving the Borough, instead of waiting until next year to talk about GPI and talking about doing another road, with possibly talking about doing one road per year to get things up to where Council thought they should be. Mayor Curry asked shouldn't they begin it with GPI so that they are ready for the next time to bid out the project, that they could get onto the pavers schedule to bid for it so it wouldn't take another year to do a road. Mr. Lucich said this year they had an accumulation of three (3) years of Liquid Fuels to help pay for the road repairs and they did \$133,000.00 in road repairs because they had that \$85,000.00 in Liquid Fuels. Mr. Lucich said next year they will have approximate between \$26,000.00. to \$28,000.00. Mayor Curry and Mr. Lucich discussed further. Mayor Curry said if they have an estimate based on past Liquid Fuels, if it would be in the Borough's interest to get out in front of the problem instead of waiting since they have such bad roads. Mayor Curry and Mr. Lucich discussed further. Mr. Lucich asked if she had roads in mind and Mayor Curry said she knew Mr. Lark had a larger list, such as Oakhill Drive and three or four other roads. Mayor Curry said she was curious for Council to continue the conversation so that they keep their momentum going. Mr. Lucich said if they do that, they don't have to go through GPI to have the Bid packages done, if they call Jon Wilson, he will do it free for us. Mayor Curry and Council discussed further regarding not only streets but storm basin issues.

Council discussed the GPI Invoice with Ms. Ricci who said she believes this statement should be for the year 2022. Council asked for more clarification from GPI. Mr. Lucich asked for a motion to Table this issue until next month. Mr. Webster made a motion to Table, seconded by Mr. Novak with all in favor.

Mayor Stacey Curry – Bring Borough Building and Office up to current State Code and ADA Handicap Compliances: Mayor Curry said last month they spoke with the deal with Dave Jones that is now off the table that they were going to possibly look into making some of the improvements that they had the Engineers come in for and look at the building. Mayor Curry addressed the bathroom when renting out the hall and she said she doesn't think a wheelchair can get into the bathroom. Mr. Novak said he thinks they can, that they are handicap compliant. Mayor Curry said Mr. Cochran said that they weren't. Robert Lucich said they were passed when he was on Council, that they might want to double check on that.

Mayor Curry also addressed the hallway situation leading to the office and she didn't know if they were going to follow up on what they spoke about or if they weren't doing anything with that. Eric Lucich said they can talk about that in Executive Session. Eric Lucich said ADA compliance door width is 32 inches according to ada.dotgov. Eric Lucich said they will measure that and let her know.

Mayor Stacey Curry – FNB signature card for check signing: Mayor Curry said Ms. Ricci had brought that to her attention and she knows they have talked about it several times before, but when she had a problem finding somebody for payroll and utilities, then Mr. Webster signed them. Mayor Curry said Ms. Ricci was concerned since Mr. Moyer was out of town, and as a back up situation since there are certain things that can wait and certain things that can't wait. Mayor Curry said she will be willing to sign since there was almost an issue with payroll and National Fuel was the other one. Mr. Moyer said he received a message and they had a Work Session that same night and he said he didn't see anything that urgent that can't wait until the Council Session, as like tonight, where the checks can be left in the office to sign or they can be brought to the meeting to sign. Mr. Moyer said if they were that urgent and can't wait until Friday morning, we could have had it the night before. Mr. Moyer said he doesn't see anything again that urgent. Mr. Moyer said he doesn't know about the billing but he thinks Wednesday night would have been appropriate to contact or tonight would have been just as suitable. Mayor Curry said tonight wouldn't work since payroll had to go out on Friday. Mr. Webster said Ms. Ricci had texted him and he said he was available on Friday to sign the checks, but between that text and his wife, something came up and he wasn't available all day. Mr. Webster said he had times he was available through the day, but he had to wait on some appointments. Mr. Webster said he didn't blame Ms. Ricci since she wanted to get them signed. Mr. Webster said when he wasn't available Ms. Ricci went down the list. Mayor Curry stated in every other Borough the Mayor signs, and when she attended the State Borough's Conference every Mayor signed. Mr. Lucich said regards to all of that he understands whatever goes on with that, but right after he was put on as Vice-President he said that she should bring them to the Work Session and to the Council Meeting so he can sign them. Eric Lucich said he then wanted a key and got a key to the office so that she can leave the checks for him to sign in the office, so that one of them can go in and sign them and none of that is being done. Eric Lucich said there's no reason to change, that the Borough employees are dictating what happens now, not we who run everything. Mayor Curry said Ms. Ricci wasn't dictating it. Eric Lucich said she knows that payroll comes out and needs to be mailed by Friday, when the checks could be at a meeting when he's here on Thursday evening's work call. Mayor Curry stated if it's something she can legally do and every other Mayor can, why can't she. Eric Lucich said legally she just needs to bring the checks like he requested, because he said he told her the second Wednesday and the third Tuesday of every month, to bring the checks and he will sign them then and that's not happened, so we are bending around everything for someone who is not here to sign the checks. Eric Lucich said they got a key and that was a big deal so that they can sign the checks and now they bypassed all of that to again have someone else added onto the signature cards when it's already been solved, we're just now creating more problems for no reason. Eric Lucich said this is the third or fourth time this has been brought up, we solved all of the problems and are just creating them again. Eric Lucich said he has nothing against the Mayor but it's just the principle of it.

Eric Lucich said that Brian Joseph is trying to start a project and he expressed some concerns about things going on with that process, that he has several thousand dollars wrapped up in this project and he wasn't happy about it. Mr. Lucich said from his understanding all he needs us to do is have our Engineer from GPI approve his building design and stormwater management plans before he can start building it and then everything else goes into Richardson's hands to make everything up to code.

Attorney Tesone said he wants to explained what happens, and said their Ordinance says there is a working fee contract, which means under the Municipality Code consultants are defined as Engineers. Attorney Tesone said Brian has argued that they want a blank check, and that they don't want a blank check, that he doesn't trust us apparently, so he thinks they are going to charge him for things he shouldn't be charged. Attorney Tesone said he told him under the Municipality Planning Code it defines with Expert costs and the Borough Secretary is not one of them. Attorney Tesone said their discussions were heated. Attorney Tesone stated he then talked to his Engineer, who is a much more reasonable person, and he keeps telling me that here is what he did, he received some counsel. Attorney Tesone said he told Mr. Joseph he can change whatever number he wants and he said Mr. Joseph said he didn't want to do that because he said he didn't want to pay for Attorneys. Attorney Tesone said it's always some excuse, and then he comes back and says, the next day, I thought you changed it to a lower number or whatever and he says he got more counsel and that he shouldn't sign that second proposal with a blank check. Attorney Tesone said Mr. Joseph is basically referring that they are going to cheat him and that he's building a new building for the Borough so you should do whatever I want. Attorney Tesone said he doesn't care if he was here because he would tell him face to face, and that is what they were arguing back and forth about, so finally Attorney Tesone asked him who was his Engineer and Architect he kept referring to. Attorney Tesone said he then talked to a very nice man named Christian Faulkman and he said yes, he was his Engineer and that Mr. Joseph doesn't understand all of this stuff. Attorney Tesone said he suggested Mr. Faulkman get together with Jeff Kordes from GPI since he doesn't think they understand the project completely, and he doesn't think they know the scope of the project. Attorney Tesone said he then emailed Jeff and he gave him Christian's contact information and copied Christian on it to see what the extent of the project is so he can see what they may have to do and what it might cost, because he said the point he's trying to make is, and it's been done over and over again he said, that we shouldn't have to pay for experts as Engineers to review the project because that's not the way it's done. Attorney Tesone said secondly, he was offended that he would think we are going to charge him stuff that we shouldn't. Attorney Tesone said he told Mr. Joseph if \$5,000.00 is too much, you tell me what number to put and I'll put it in there. Attorney Tesone said he told him to hand it to his Attorney and change it to however he wants, and it's always some other baloney why he can't do something, and that we should be so grateful and on our knees that he's bringing in a new project, and we should be thankful and praise him and do whatever he wants, and so that's what happened. Attorney Tesone said he thinks, based on Jeff and Christian's temperaments they should communicate and he won't be involved, that things will come out well. Eric Lucich said he doesn't know if he has any involvements other than their Zoning Commission if it needs zoned, and he said he doesn't know how all of that works, but wouldn't his Engineer contact our Engineer and our Engineer sends him the bill, it doesn't come to us and we don't have anything to do with it? Attorney Tesone said if Christian explains to Jeff Kordes what it entails, maybe Jeff can come up with an estimate. Eric Lucich said they really don't have anything to do with that. Eric Lucich said our Engineer needs to review the documents, Attorney Tesone agreed. Attorney Tesone told Eric Lucich that the Borough will be the one paying for the reviewing with their Engineer. Eric Lucich said if they contact our Engineers, they don't send us the bill, they would send him the bill, they shouldn't bill us for anything, they are our Engineers and they need to approve it, but we should not incur any costs. Eric Lucich said he needs to get the bill and we don't. Attorney Tesone said okay, what if he says he's not paying for it. Eric Lucich said he will have to sign the contract before that. Attorney Tesone said he doesn't want to sign it, that's the problem.

Eric Lucich and Attorney Tesone discussed further the price stated was \$5,000.00 and Attorney Tesone said any money left over that he would get that back, but he insinuated that we were going to charge him for other things. Eric Lucich asked if they could streamline that to make it less complicated in the future for other businesses that want to come into the Borough. Attorney Tesone, Council and Mayor Curry discussed further in regards to not deterring other new businesses from coming into the Borough. Mr. Webster said since GPI is doing this under the Borough, GPI would have to bill us not him. Attorney Tesone said exactly. Mr. Webster said it should be in black and white, the following steps you need, this, this and this, a step-by-step process. Attorney Tesone said maybe Jeff has placements, but that's what we should find out. Eric Lucich said Jeff definitely has to approve the plans and he's the building code guy, if he put in a six (6) story building without an elevator that doesn't have code, then Jeff can reject the plan. Attorney Tesone said it could be a zoning issues based on uniform construction codes, so maybe Jeff should be first up on that, and then get the Engineers involved. Attorney Tesone said the impression he got was that he was upset that he went to Jeff and he's not needed. Eric Lucich said he was upset because he went to Jeff and then he went to Sandy, then he went to Jeff at GPI and if you have to contact several separately, you're going to bill him for everyone separately. Attorney Tesone said also Regional Planning needs to be involved. Mayor Curry suggested going to Regional Planning asking them what all of the other towns do regarding the correct steps to go through as advisement instead of us guessing about it. Eric Lucich said all of this can change as well since they are going to update their Regional Planning, so these things might all change this year. Mr. Moyer said it might be nice to have the document regarding cost ahead of time so that they can be aware. Eric Lucich said costs should be based on different size projects. Attorney Tesone said the project area could be different regarding locations, but that Brian hears bits and pieces and then he doesn't want to do anything. Attorney Tesone said he agrees they need to have a protocol, and when he has a chance, he will call Lisa Holms to see if she has some kind of a list they can put together and use that as a protocol for new developments that would come to town. Eric Lucich said another great person to call would be Gary Hinkson (Hermitage Planner) who knows a lot about that stuff and he can give them directions so this problem doesn't repeat itself.

Mayor Curry said the Light-Up-Night Permit was approved and that will be November 26th at 6:00 p.m. which will go from the bus garage to the gazebo. She said she will now move forward with invitations for participants. Mayor Curry said the Women's Club will do their pumpkin thing in the park October 22nd.

Council and Mayor addressed Trick-or-Treat day and hours. Mr. Webster said they had discussed it at the Work Session but did not address when it would actually be, but that the schedule may be October 31st from 4:00 p.m.-6:00 p.m. Eric Lucich said they would like to coincide with the Township.

Executive Session - Personnel

Adjournment: 8:58 p.m.