

MANOR BOROUGH COUNCIL
MONTHLY BUSINESS MEETING – June 19, 2019

The Manor Borough Council held its monthly business meeting on Wednesday, June 19, 2019 at 7:00 P.M., in the Manor Borough Building.

Council President, Mr. Brian Woy called the meeting to order and led the Pledge of Allegiance.

Roll Call of Attendance:

(Present)	Brian Woy, President	Bruce Hartman, Vice President
	Ralph Hensell	Christine Marchand
	Jim Vacha	Mike Matrisch, Mayor
	John Campfield, Solicitor	Ed Antonacci, Engineer
	George Valmassoni, Chief of Police	
(Absent)	Dave Gongaware	Dawn Lynn
	Lee Miller, Planning & Zoning Office	Mike Radakovich, Tax Collector

Minutes – A motion “to accept the minutes of the meeting held on May 15, 2019, as read” was made by Mr. Hensell, and seconded by Mr. Hartman. The motion carried unanimously.

Public Comment on Agenda Items –

Mr. Nick Michel of 65 Observatory Street commented on the speed on Observatory Street and Code Enforcement. He last addressed Council August 2017 regarding both and has heard nothing since then. Mr. Michel mentioned lines were painted on the road, but no one enforces or catches drivers speeding on Observatory. Mr. Michel proposes a portable speed hump be installed on Observatory to force drivers to slow down to 15 mph. Mr. Lapia interjected and advised Mr. Michel the Borough receives Liquid Fuels money for Observatory St and as such the Borough has to abide by rules set by PennDOT nothing the 25 mph speed limit on Observatory. Mr. Woy also noted any obstacle on the road requiring drivers to slow down, must be able to allow vehicles to pass over it at the posted speed limit or risk damaging vehicles. Mr. Michel moved on to Code Enforcement and questioned the Ordinance 511-09-03 for Property Maintenance Code and Ordinance 512-09-04 Nuisances and wanted to know if they are enforceable. The Solicitor said they are enforceable as written based on scenarios. Nuisances are difficult to prosecute as they are hard to prove. Mr. Hartman pressed Mr. Michel for a specific example. Mr. Michel cited a neighbor with a sofa and trash in that neighbor’s backyard. The Solicitor then explained to Mr. Michel the Ordinance and how it comes about based on the Borough Code and explained the Ordinance and how it might be enforced and the difference between a Private nuisance or a Public nuisance.

Dennis and Gerry Lane of 23 Broadway Avenue commented on code enforcement and specifically noted the properties at 14 and 18 Observatory Street have unsightly items kept outside of the houses. Mr. Lane noted he and his wife empathize with Mr. Michel’s comments. They feel the rental properties are not being kept to standards. They take pride in maintaining their property and are embarrassed when their children and grandchildren visit and notice a decline in neighboring property due to the items kept outside mostly from renters. They want to know why there is no code enforcement. Mr. Woy confirmed there is no one doing code enforcement in the Borough and the Borough is working with Penn Township to contract code enforcement services on a part-time basis. Mr. and Mrs. Lane also concur with Mr. Michel the speeding on Observatory needs to be curtailed.

Mr. Christian Hunter of 325 Brandywine Drive and his neighbor Mr. Fred Kelly of 329 Brandywine Drive commented on the retention pond access road across from their homes on Brandywine Drive and the Borough’s need for maintenance access. They are at the meeting for more information and request that they, and affected residents be kept in the loop as to the plans and what will be happening. Mr. Lapia explained: This erosion and sediment control pond is to be converted to a stormwater retention pond. It will be a wet

pond and contain certain vegetation applicable to a retention pond. The initial plans for the pond from many years ago describes an asphalt paved access road from the street down between the 2 houses, where there is a right of way for a 10-foot wide road. Council approved the Engineer to advertise for bids to be decided at the July Council meeting. The bids are to be constructed in 2 parts: 1 with an asphalt road for the entire length and 1 with grassy pavers until the top of the hill and then asphalt the rest of the way. Preliminary estimates indicate the grassy pavers are twice as costly as asphalt as the installation is more involved and time consuming. The Borough has a finite amount of bond money received from the prior developer with which to work. Mr. Hunter and Mr. Kelly would like the grass left and only asphalt from where Mr. Hunter's shed is located to over the back of the hill to the retention pond. Both Mr. Hunter and Mr. Kelly have pledged to maintain the grassy area, should it be kept. The Solicitor advised the developer's plan was to have an access road to maintain the stormwater management facilities and it's not able to be modified. Mr. Kelly is concerned about his air conditioning unit which appears to be in the Right Of Way which he refuses to move. Mr. Hunter brought up Verizon lines and the ability to drop them into a vault. Mr. Lapia stated this was called to Verizon's attention and due to the weight, it may have to be moved.

Mayor's Report (Mr. Matrisch) – None.

Solicitor's Report (Mr. Campfield) – None.

Engineer's Report (Mr. Antonacci) – The Borough Engineer met with Manor Public Works and the Borough Manager to discuss inlet repairs and adjustments for paving on Crimson Drive, Gregory Drive and Observatory Street. Mele and Mele is scheduled to do the paving in August. The bond for Cameron Drive has been received.

Planning & Zoning Officer's Report (Mr. Miller) – None.

Borough Manager's Report (Mr. Lapia) – Sewer rules and regulations are still being revised and Mr. Lapia needs the Borough Engineer to do a study of sewer taps and determine if fees need to be altered. Storm water fees are being revised and should be ready for the next Council meeting. Mr. Lapia has been in discussion with Penn Township for Code Enforcement services. An agreement is being formed for both councils to look at, and the process will proceed from there.

Treasurer's Report – A motion “to approve the Treasurer's Report for the month of May 2019, as prepared” was made by Mr. Hensell and seconded by Mr. Vacha. The motion carried unanimously.

Tax Collector's Report – A motion “to approve the Tax Collector's report for the month of May 2019, as prepared by Mr. Radakovich” was made by Mr. Hensell and seconded by Ms. Marchand. The motion carried unanimously.

Committee Reports

- **Building & Properties** – None.
- **Community Betterment** – None.
- **Finance** – None.
- **Personnel** – Ms. Marchand presented a letter from the Capital Planning committee with 8 items they felt most important over the next 5 years. Mr. Lapia pointed out one item is to relocate the police station to free up space for Public Works and to allow the Police Department to have more space. Should the Police Department relocate to the Administration building, that would coincide with repaving the Borough parking lot. Any feasibility study would involve using part of the Community Room to house the police department. Mr. Lapia noted there are few events using the Community Room, the rentals have declined. Ms. Marchand jumped in and noted each item plays off of each other: Relocating the Police Department, creating more space for Public Works to garage equipment, creating more office space for the Administration office, and for improving the parks.

Mr. Lapia asked Mr. Hartman for a status on the agreement with the Irwin Miner and the Borough regarding use of the baseball field. Mr. Hartman has not been able to get a hold of Mr. Testa. Council seems to be ok with the lack of a formal agreement for now. Mr. Woy asked if Mr. Hartman or Mr. Lapia could get in touch with Mr. Testa.

- **Planning & Zoning** – None.
- **Public Safety** – None.

Unfinished Business

- Discussion on updating the Zoning Ordinance for Accessory Structures and Uses. Council decided sheds 150 square feet or less must be 6 foot off the property lines. Zoning permits valid for 6 months, renewed for another 6 months at no fee. Nothing can be placed in any easement. An Accessory Structure is greater than 150 square feet and must be 25 feet from the property line and 10 feet from the house. Mr. Hartman motioned to have the Solicitor draft these changes to the Zoning Ordinance. Seconded by Ms. Marchand, the motion carried unanimously.

New Business

- Consideration “to advertise bid package for Woods of Brandywine Phase 1 & 2 Storm Water Pond.” Mr. Hartman motioned to advertise the bid package for the Woods of Brandywine Phase 1 & 2 Storm Water Pond, with the bids due at 1:00 P.M., being opened at 1:15 P.M. Seconded by Mr. Hensell, the motion carried unanimously.
- Discussion on the speed limit on Observatory Street. Chief Valmassoni reported Penn Township, upon getting complaints, uses an automated system to collect traffic data to determine if a problem exists and when. The system is Stalker Traffic Data Collector by Applied Concepts. Mr. Lapia noted Penn Township purchased the system for \$2,795.00. The money for the purchase could come from Capital Expenditure or Act-13 money. Mayor Matrisch is willing to donate his 6 months of salary towards the payment. Mr. Hensell motioned to look into purchasing Stalker Traffic Data Collector by Applied Concepts. Seconded by Mr. Vacha, the motion carried unanimously. Mr. Woy requested information from Mr. Michel regarding the portable speed humps.
- Discussion on Code Enforcement. Mr. Woy noted Mr. Lapia updated Council earlier regarding contracting with Penn Township for Code Enforcement. He also suggested the Public Safety Committee could meet with the Mayor to discuss. Mayor Matrisch suggested having patrolmen volunteer for extra hours. Mr. Hensell noted there are a couple of rental properties in the Borough that need addressed. Mr. and Mrs. Lane spoke up commiserating the unsightly houses in the older section of Manor. Mrs. Lane suggested a letter be sent to the owners to have them clean up the house. Chief Valmassoni noted Code Enforcement is a process and takes time. Mr. Woy suggested Council come up with a plan to take care of the Code Enforcement issues.
- Consideration “to accept the resignation of Patrolman Brian Cope.” Mr. Hartman motioned to accept the resignation of Patrolman Brian Cope, retroactive to May 20, 2019. Seconded by Mr. Hensell, the motion carried unanimously.
- Consideration “to declare streets signs and floor scrubber as surplus property.” 37 old street signs and a floor scrubber used in the community room have been replaced. Mr. Hartman motioned to declare old street signs and an old floor scrubber as surplus property. The signs are to be sold for \$5 each with the revenue gained going into the General Fund’s Miscellaneous Revenue. The floor scrubber may be listed on MuniBid for parts. Seconded by Mr. Vacha, the motion carried unanimously.
- Consideration “to adopt Resolution 2019-06 appointing Charles Hanna to the Planning Commission.” Mr. Hensell motioned to adopt Resolution 2019-06 appointing Charles Hanna to the Manor Planning Commission. Seconded by Ms. Marchand, the motion carried unanimously.
- Discussion on updating Rules, Regulations and Standards for access drives. 8% slope within the Right of Way. A draft for a proposed Ordinance is needed for access drives, as most people need wider driveways and now are seeking more than a 2-car garage. Mr. Lapia reasoned that most people need a driveway as wide as their garage. Mr. Vacha and Mr. Woy will meet with the

Borough Manager to discuss the scenarios, details and options and bring back recommendations at the next meeting.

- Discussion on replacing mulch at Mount Manor Playground. Mr. Lapia presented Council with pictures of the mulch at Mt. Manor Playground and a chart of materials, quantities and pricing required for replacing the mulch at the playground with rubber mulch at an estimate of \$18,000. Mr. Lapia also noted 4 supersacks of rubber mulch is needed for the playground at Manor Park to fill in from last autumn's flood at a cost \$1,360.00. Or, add wood mulch to the Mt. Manor Playground at a cost of \$2,000-\$4,000. The existing mulch is degrading and decomposing. The bulk of the financing would come from Capital Expenditure. Mr. Vacha motioned to replace the mulch at Mt. Manor Park with rubber mulch, in addition to acquiring 4 super sacks of rubber mulch for Manor Park. Seconded by Mr. Hensell the rollcall vote is as follows:

Mr. Brian Woy - No Ms. Christine Marchand - No
Mr. Bruce Hartman - No Mr. Jim Vacha - Yes
Mr. Ralph Hensell - Yes

The motioned failed to pass by majority. Then, Mr. Hartman motioned to table purchasing mulch for Mt. Manor Park until the July meeting, but purchase 4 super sacks of rubber mulch for the Manor Park playground. Seconded by Ms. Marchand, the motion carried unanimously.

- Discussion on replacing Borough phone system. The Borough is in need of a new telephone system to aid in flexibility and to reduce cost. Of the 3 quotes presented, Mr. Hensell motioned to proceed with getting the new phone system with Exelos, the current IT support contractor for the Borough, using Nextiva. Seconded by Ms. Marchand, the motion carried unanimously.
- Consideration "to accept resignation of Michael Matrisch from Civil Service Commission." Mr. Hartman motioned to accept the resignation of Michael Matrisch from the Civil Service Commission. Seconded by Mr. Vacha, the motion carried unanimously.
- Consideration "to adopt Resolution 2019-07 setting Subdivision and Land Development Fee Schedule." Mr. Hartman motioned to adopt Resolution 2019-07, setting the Subdivision and Land Development Fee Schedule. Seconded by Mr. Hensell, the motion carried unanimously.

Correspondence

- None.

Payment of Bills – A motion "to approve payment of the bills as of June 19, 2019, as presented" was made by Mr. Vacha and seconded by Mr. Hensell. The motion carried unanimously. Mr. Woy abstained due to a conflict of interest regarding Groff Tractor.

Ms. Marchand motioned to go into Executive Session for personnel matters and matters of potential litigation. Seconded by Mr. Vacha, the motion carried unanimously at 9:18 P.M.

Mr. Hensell motioned to return to the Council Meeting. Seconded by Mr. Hartman, the motion carried unanimously at 9:31 P.M.

Public Comment –

Brandon and Angel Goydich of 489 Rowe Road is concerned about the Manor Trails subdivision impacting their groundwater system. They get their water from a natural spring and the developer proposes to put a storm basin 200 feet away. The Goydichs are concerned about water contamination as it does not seem feasible they will be able to tap into the MAWC water line since the plan changed from running a water line up Rowe Road to running the water line behind the houses. They have been calling numerous environmental agencies, as well as the developer, to get information. They are requesting the Borough's assistance contacting the developer and MAWC to stop the proposal for the water line to run behind the houses, which would be cost prohibitive for them to tap into the water. If the water line runs in front of their house along Rowe Road, they would be inclined to abandon the spring water and tap into public water. The DEP agrees with the Goydichs that they are at risk and the spring will eventually become contaminated

from the run off of chemically treated lawns, swimming pools, construction, etc. Mrs. Goydich noted MAWC has yet to approve the water line behind the houses and would like the Borough to step in and ensure the water line runs along Rowe Road, in front of her house. Mr. Lapia replied he's trying to get in touch with the engineer at MAWC and he and the Borough Engineer are finalizing their comments to the Developer which includes the Goydichs water concerns as well as the fact their garage/shed sits on the Development site. He confirmed the Borough as not received any indication from MAWC the water line would be behind the houses. Before the Borough approves final plans, the agreements with all of the utility companies must be reviewed and approved. He did caution the utilities will select the best way to install the lines, which may not be best for everyone. Mr. Lapia said he will follow up with MAWC and the Developer.

Harry Wright of 507 Rowe Road, Stone Brook Manor, is concerned about the storm water runoff at the new Manor Trails subdivision and how it will be managed for Stone Brook Manor. The senior housing facility is located at the bottom of the road and he is concerned for the residents. Mr. Lapia noted Stone Brook Manor is getting a bit of runoff from the hillside already, but it is mostly controlled by the vegetation. The new development is required to put in storm water controls with catch basins, piping, roof leader lines which leads to storm water retention ponds. The Developer was required to submit a storm water management plan by the Borough and Westmoreland County Conservation District, who will both approve the plan. Mr. Lapia noted the storm water maintenance will be inspected and approved. Mr. Wright wanted to go on record stating this is a concern and he doesn't want any issues with storm water runoff.

Tom Graham of Manor would like the Borough to put the stop sign back in on Broadway and Atlantic Avenues. Mr. Graham was no longer present to discuss.

Connie Detar of 402 Manor Harrison City Road is concerned about the flooding from neighboring properties. Ms. Detar stated when the landscaper near her built up the property to get it out of the flood plain, she noticed more ponding of water on her property and it does not seem to dissipate as quickly. Her property is perpetually wet and over the past 5 years it is getting worse and takes longer to dry out. She said the property owner at 364 Manor Harrison City Road is building up his property to get it out of the flood plain. Mr. Lapia noted the size of the disturbance, extending the driveway around the existing garage, is less than 5,000 square feet so there was no need for a storm water management plan. The dirt piles were a result of grading the driveway and filling in with stone, which would result in the stone retaining and filtering more water than just dirt alone. She feels the owner is deliberately trying to flood her out. Mr. Woy noted that area is in a flood plain. She asked if the Borough Manager and the Borough Engineer would walk the property so they could see what she is dealing with. Ms. Detar is also annoyed with the view from her house of stacked tires, discarded trees, and wishes he could put up a privacy fence. Mr. Hartman asked if Ms. Detar talked to the owner of the property. She has not. Mr. Hartman went on to suggest Ms. Detar talk to the property owner to see if they can come to a compromise instead of getting the Borough involved if not necessary. Mr. Lapia suggested the flooding issue be delegated to the Floodplain Coordinator or the Borough's Building Inspector. Ms. Detar wanted to go on record she was having a flooding issue. After Ms. Marchand's comment about the dirt piles being gone, Ms. Detar admitted the dirt was spread in the rear of the property, raising it up so it is now higher than hers. She fears she is being set up to be flooded out.

Laurie Kopasko of 208 Cameron Drive would like an update on the road being made behind the houses on Cameron Drive. Ms. Kopasko wanted to know why the Brandywine access driveway may get grassy pavers when the access drive behind the Cameron Drive will remain as stone. Mr. Woy noted the Brandywine access drive to the retention pond is not Borough property, it is an easement on the resident's property. The property behind the houses on Cameron Drive is owned by the Borough, hence why the accommodations were being considered for the Brandywine retention pond. Ms. Kopasko is also complaining about her back yard, as is her neighbor's yard is wet and swampy. She feels the road will repel the water and won't drain property keeping her yard wet and swampy. Ms. Kopasko went on to say she realizes the property behind her house is green space but she cuts the grass and maintains that section of the property because she wants it to look nice. Her neighbors are now letting it go and not cutting the grass. She asserts she is now subject to

rodents and reptiles in her yard. Mr. Woy informed her the project is in the preliminary stages. She asked about what will happen with the standing water that accumulates. She is under the impression the DEP stated the road has to stay in place, and she wants to see the document. She also wanted to know where the pipe was going to be on her property. Mr. Woy and Mr. Lapia stated there is no drainage pipe on her property, but it will be on adjacent property. Ms. Kopasko then stated the neighbor has told the Borough it could use his driveway to access the outfall. This is not a viable option. As is the gas utility road, not an option for the Borough as it is solely for the gas utility to access the gas line. Ms. Kopasko feels her home value will decline with a road behind her house. Mr. Woy stated the plan and bid for the access road was approved by Council at the May Council meeting. Ms. Kopasko left the meeting prior to council's vote. She was also upset because she feels there wasn't enough notification about the access road. She admitted those with sheds got a letter notifying them the sheds would have to be moved, but the neighbors with no sheds did not receive any notification. She feels 6 weeks is not enough time to move a shed and the planning for the access road was done in secret.

There being no other business to discuss, a motion "to adjourn the meeting" was made by Mr. Hensell and seconded by Mr. Vacha. The motion carried unanimously. The meeting adjourned at 10:08 P.M.

Joseph N. Lapia
Borough Manager