

MANOR BOROUGH COUNCIL
MONTHLY BUSINESS MEETING – July 21, 2021

The Manor Borough Council held its monthly business meeting on Wednesday, July 21, 2021 at 7:00 P.M., in the Manor Community Room.

Roll Call of Attendance:

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

Minutes – A motion “to accept the minutes of the meeting held on June 16, 2021, as read” was made by Mr. Gongaware, and seconded by Ms. Lynn. The motion carried unanimously.

Public Comment on Agenda Items – Terry Walter of 41 Observatory Street, Manor, wanted to inquire about the Zoning change in the Central Business District. Mr. Hartman informed Mr. Walter Council planned to discuss this later on the meeting.

Mayor’s Report (Mr. Matrisch) – The Mayor thanked the Civil Service Commission for meeting and to begin the testing process.

Solicitor’s Report (Mr. Campfield) – The Solicitor noted changes to 2 Acts. The Sunshine Law change provides for the agenda to be on the Borough’s web site, posted 24 hours prior to the meeting and posted at the Borough office. The exception to this is an emergency. The Small Wireless Facility Deployment Act provides for notifications be placed in the Borough on any poles.

Engineer’s Report (Mr. Antonacci) – Mele & Mele was given notice to proceed with paving of Ash, Brush, Meyer, Rush and South Railroad. They have not given a start date but the paving has to be completed by mid-September.

Planning & Zoning Officer’s Report (Mr. Krainbucher) – Mr. Lapia noted the Zoning Ordinance needs to be reviewed to provide for accessory structures under 1,000 square feet. Mr. Krainbucher advised Mr. Lapia this should be reviewed to accommodate such structures. Currently, under the UCC there is no provision for the building inspector to ensure such a structure is built properly, unless the structure will have electric or plumbing. Ms. Lynn motioned to make a change to the Zoning Ordinance to allow for an accessory structure to be built up to 1000 square feet before it requires a permit to 500 feet. The motion was postponed until later in the meeting.

Borough Manager’s Report (Mr. Lapia) – Mr. Lapia received 2 letters of interest from people who want to be on the Recreation Board. The Borough received Act-13 money in the amount of \$3,194.89, considerably less than last year’s \$4,864.00.

Treasurer’s Report – A motion “to approve the Treasurer’s Report for the month of June 2021, as prepared” was made by Ms. Lynn. The motion was seconded by Mr. Hensell. The motion carried unanimously.

Tax Collector’s Report – A motion “to approve the Tax Collector’s Report for the month of June 2021, as prepared” was made by Mr. Gongaware and seconded by Ms. Lynn. The motion carried unanimously.

Committee Reports

- **Building & Properties** – None.

- **Community Betterment** – Ms. Marchand noted the new playground is being used constantly. Ms. Lynn noted she has heard compliments about the good job done at the playground.
- **Finance** – None.
- **Personnel** – None.
- **Planning & Zoning** – None.
- **Public Safety** – The Civil Service Commission met July 8, 2021 and will be administering a Civil Service Test August 25, 2021 at 7:00 P.M. Interested candidates have until August 20, 2021 at 12:00PM to register and pay for the test. The Manor VFD 2nd Quarter Audit was found to be in compliance. Regarding the cat and trash complaint on Oak Street, Chief Valmassoni and Officer Hall will address this under code enforcement. Mr. Gongaware thanked the Borough Manager and Public Works for their assistance at a recent structure fire.

Mr. Hartman received a letter from the Manor Community Vacation Bible School for the use of the Pavilion on August 5, 2021 from 3:00 P.M. to 8 P.M., with food and games. Mr. Gongaware motioned to allow the Manor Community Vacation Bible School use of the Pavilion on August 5, 2021, waiving the rental fee. They will have to fill out a rental agreement and give the Borough a security deposit. Seconded by Mr. Hensell, the motion carried unanimously.

Old Business

None

New Business

- Discussion on correspondence received from Morella & Associates. Mark and Valerie Bradley are requesting the Borough to extinguish an easement to property the Borough owns that used to be a foot bridge into the park. Mr. Lapia is concerned if the easement goes away, the how will the Borough get access to the 11 foot by 71 foot parcel to maintain it. Council is discussed the possibility of installing another foot bridge to the park in that location. At the Solicitor's suggestion to Council, Ms. Lynn motioned to table the decision until the next meeting. Seconded by Ms. Marchand, the motion carried unanimously.
- Request from the Manor Lions for use of the Community Room on July 31, 2021. Ms. Lynn motioned to move this decision after Executive Session. Seconded by Ms. Marchand, the motion carried unanimously.
- Discussion on updating the Zoning Ordinance. The Planning Commission met July 19, 2021 and recommends two items: Amend the Zoning Ordinance for the Central Business District (CBD) per Sections 607 and 609 of the Municipal Planning Code, adding under permitted uses to add a letter L for multi-family units in a building or dwelling. Ms. Lynn motioned to allow multi-family units in a building or dwelling in the CBD Zone. Seconded by Mr. Hensell, the motion carried unanimously. Secondly, the Planning Commission recommends rezoning the following properties from CBD to R2 (Village Residential): 15 Race Street Parcel 19-03-07-0-060, 17 Race Street Parcel 19-03-07-0-061, 19 Race Street Parcel 19-03-07-0-062, 21 Race Street Parcel 19-03-07-0-074. Ms. Lynn motioned to rezone the 4 Race Street properties from CBD to the adjoining R2 zone. Seconded by Ms. Marchand, the motion carried unanimously. Then, Ms. Lynn motioned to require any structure 500 square feet or greater to be subject to a building permit. Seconded by Mr. Gongaware, the motion carried by majority. Mr. Vacha voted "No". The Solicitor informed Council the change needs to be incorporated into the Zoning Ordinance, and a procedure needs to be followed to make the zoning changes since this was not recommended by the Planning Commission as the first 2 recommendations. Ms. Lynn then motioned to rescind the motion to require any structure 500 square feet or greater to be subject to a building permit. Seconded by Ms. Marchand, the motion carried unanimously.

Correspondence – None.

Payment of Bills – A motion "to approve payment of the bills as of July 21, 2021, as presented" was made by Ms. Lynn and seconded by Mr. Vacha. The motion unanimously.

Ms. Lynn motioned to go into Executive Session for personnel matters and matters of potential litigation. Seconded by Mr. Gongaware, the motion carried unanimously at 8:00 P.M. Ms. Lynn motioned to return to the council meeting. Seconded by Mr. Hensell, the motioned carried unanimously at 8:46 P.M.

Mr. Woy motioned to authorize the Solicitor update the Community Room Rental Agreement with the following language in Section 11, paragraph C: "Further, the Borough may require you to comply with certain measures established by the Borough to attempt to mitigate the dangers of COVID-19. Also, the Borough may require you to assume the risk of COVID-19 in writing, and signed and submitted to the Borough before activities or uses on Borough premises or properties." Seconded by Ms. Lynn, the motion carried unanimously. Then, Mr. Woy then motioned to resume renting the Manor Community Room and Park Pavilion. Seconded by Mr. Gongaware the motion carried unanimously.

Ms. Lynn motioned to allow the Manor Lions Club use of the Manor Community Room on July 31, 2021, if needed. They will have to sign a lease agreement. In addition, Ms. Lynn motioned to waive the Pavilion and Community Room Rental fees. Seconded by Mr. Gongaware, the motion carried unanimously.

Citizen Comments – Nicholas Caito of 207 Cameron Drive, Manor, has concerns about his driveway. His driveway walls are collapsing and he has acquired a permit to remove them, but he wants to extend his driveway several feet wider to accommodate his vehicles, and to allow guests to not park on the street. He was told he can't concrete within the Right of Way, which is where he hoped to put a small parking pad. Mr. Lapia reminded council of the driveway ordinance whereby a driveway can be a certain width in the Right of Way. The Driveway Ordinance will be reviewed to see if there is an option for a variance and Mr. Caito will be contacted.

Charles Charrie of First Street, Manor, wanted to know if the Borough still needs letters for the message sign. Mr. Lapia stated, for now, the Borough has enough letters for the small messages being placed on the sign. Public Works employees cut away some of the vegetation around the sign to try and clean it up. He also had a concern about the purchase of a new truck and wanted to know why. Mr. Gongaware stated it was a deal the Borough could not pass up. Ms. Lynn stated a new truck would cost less in maintenance than continuing to maintain a 7-year old vehicle. He disagrees with Council's decision to buy a new truck since it has few miles and feels the maintenance cost shouldn't be so high. Mr. Charrie then went on to talk about the UCC, which makes regulations for the state, and wonders why the Borough has to be more restrictive on accessory buildings. His complaint is a new shed will be subject to a zoning fee, a building permit fee and fall under stormwater management fees. Mr. Charrie was advised the Borough's Building/Zoning inspector recommends the Borough follow the UCC and finds this outrageous. His concern is why the Borough wants to be more restrictive in its building permit use and feels the Borough should follow the UCC.

Jerilyn Lewis of Harding Street, Manor, started with stormwater maintenance and is still quite angry about her neighbor getting a new gravel driveway with grant money. She presented a picture which shows the driveway in bad shape. Previously, there were a lot of complaints from the driveway as mud would leach out onto the street. She told Council not to get another grant to fix her neighbor's driveway or there was going to be a big problem. Ms. Lewis then went on to address Mr. Hartman. On May 19 she handed out a Citizen Concern form to all members of Council and then submitted a Right To Know Request to know the response. Ms. Lewis was disappointed not all members of Council responded and some claim they did not get the Citizen Concern form. She is accusing the Borough Manager of not distributing them to Council members. She then accused Council of violating the Sunshine Act. She asserts her Citizen Concern form is for violation of the Sunshine Act and making her address known in the meeting minutes, which is a violation of her constitutional privacy rights. Mr. Campfield said the Borough was not in violation of the Sunshine Act. Ms. Lewis then went on to say she sent Mr. Campfield a letter which he did not respond to. She accused Mr. Campfield of representing Council but not representing the residents of Manor, even though taxpayer money is used to pay his fees. To which, Mr. Campfield stated he represents Council, not the citizens of Manor. Ms. Lewis then wanted that in writing, but Mr. Campfield stated the job of a Solicitor is to advise

Council and the Borough. She then went on read the definition of a Solicitor and asserts he is breaking the law by violating the Sunshine Act. She then asked why the Solicitor has not done the COVID-19 waiver for the Community Room Rental. Both Mr. Hartman and Ms. Lynn reminded Ms. Lewis they just approved the waiver at the meeting. She then cited Section 706 of the General Assembly which Mr. Campfield asserted they are not in violation. Ms. Lewis then went to the Community Room and claimed it was not drawn to scale. It is drawn to scale according the Borough Engineer. She wanted to know the square footage of the storage closet, restrooms and the electrical panel closet and why only 2 people are permitted in the kitchen. Mr. Antonacci responded the Occupancy was based on the International Building Code and for 100% capacity without CDC Guideline restrictions. She then asserted Mr. Lapia stated the room occupancy would be based on CDC Guidelines. Ms. Lewis then referenced a Citizen Concern form from July 24 requesting the Manor Library free use of the community room. Mr. Hartman said he received it and Ms. Lewis wanted to know why it was not being considered or why it was not on the agenda. She claims any citizen can attend a public meeting and get a topic placed onto the agenda. Mr. Hartman claimed it was an oversight and it will be on next meeting's agenda. Ms. Lewis then addressed Mr. Hartman, the Mayor and Mr. Gongaware and wanted to know why Council has not met with the Manor Library from the letter they received. Mr. Lapia noted the Community Betterment Committee was supposed to meet with the Library and the discussion turned to Mr. Gongaware who had no response. Mr. Matrisch says he doesn't have a say on how the Community Room is used. Mr. Hartman said he would talk to Donna.

There being no other business to discuss, a motion "to adjourn the meeting" was made by Ms. Lynn and was seconded by Mr. Woy. The motion carried unanimously. The meeting adjourned at 9:30 P.M.

Joseph N. Lapia
Borough Manager