

MUNICIPALITY OF MONROEVILLE

REGULAR COUNCIL MEETING

APRIL 11, 2023

MINUTES

The meeting was called to order at 7 p.m. by Mayor Nick Gresock.

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

The Pledge of Allegiance was recited and a moment of silence was observed.

ROLL CALL

The Recording Secretary, Sharon McIndoe, called roll and the following were present: Mayor Gresock, Joe Hyzy, Eric Poach, Bob Stevenson, Steve Wolfram, Bob Williams, Dennis Biondo, Tim Little, Bob Wratcher, Josie Rock, Paul Hugus, Joe Sedlak and Paul Whealdon. Mr. Adams was absent

PUBLIC COMMENT ON PROPOSED AGENDA ITEMS ONLY

No one came forward at this time.

EXECUTIVE SESSION ANNOUNCEMENT

Council conducted an executive session before the Citizens' Night Meeting of April 4, 2023 from 6:15 to 7 p.m. for personnel and litigation reasons. Council legislative action, if any, shall be taken at this April 11, 2023 Regular Council Meeting.

APPROVAL OF MINUTES

Council considered approval of the minutes of the Citizens' Night Meeting of March 7, 2023, Council Work Session of March 7, 2023 and the Regular Council Meeting of March 14, 2023.

There being no corrections, additions or deletions to the minutes, Mr. Wolfram duly made a motion to approve all of the minutes, as submitted Mr. Hyzy seconded it. Upon a roll call vote, the motion carried unanimously.

APPROVAL OF THE REPORTS OF TAX COLLECTIONS

Council considered approval of the Reports of Tax Collections. There being no discussion, a motion was duly made by Mr. Wolfram to approve them, as submitted, and Mr. Biondo seconded it. Upon a roll call vote, the motion carried unanimously.

LIST OF BILLS, BUDGET TRANSFERS AND PAYROLL

Council considered approval of the List of Bills in the amount of \$1,286,836.62, Budget Transfers and Payroll in the amount of \$1,658,036.94 for the month of March.

Whereupon, Mr. Wolfram duly made a motion to approve the list of bills and budget transfers and Mr. Poach seconded it. Upon a roll call vote, the motion carried unanimously.

Further, Mr. Hyzy duly made a motion to approve the payroll and Mr. Biondo seconded it. Upon a roll call vote, the motion carried unanimously.

VACANCIES ON BOARDS, COMMISSIONS AND AUTHORITIES

Council then considered the vacancies on boards, commission and authorities.

HUMAN NEEDS AND RESOURCES ADVISORY BOARD

Whereupon, Mr. Williams duly nominated Tchetchet Dibohou to the Human Needs and Resources Advisory Board.

CONSENT AGENDA

2023-2024 COMMODITY BIDS

Mr. Little reported this was discussed at the council work session and he reviewed the commodity bids with council. He listed them as cracked sealant, baseball infield mix, bituminous paving materials, fence materials, guide rail, reinforced concrete products, wood safety surfacing material, sign materials, small paving in place, crushed stone, storm sewer grates, frames, risers and lids and sewer pipe.

Mr. Hugus recommended council award certain items and he asserted there were items that would be awarded through Co-Stars. Further discussion ensued. Mr. Hugus explained under sign materials he recommended not awarding Items 35-41, or Items 42-46 or Items 47-48. He mentioned the bituminous paving and recommended not awarding Items 1, 2 and 3. He pointed out there were no bidders for the infield baseball mix.

Whereupon, Mr. Stevenson duly made a motion to approve the bids with the exceptions of Items 35-41, 42-46 and 47 and 48 and Items 1, 2, and 3 under the bituminous paving. Mr. Hyzy seconded it. Upon a roll call vote, the motion carried unanimously

NEW BUSINESS

RESOLUTION 23-16

SUBDIVISION 23-2-SUB

BOWSER GENESIS OF MONROEVILLE

The applicant is requesting preliminary and final subdivision approval to subdivide Tax Parcels 107-H-175 and 1244-A-368 into two lots. Lot One with 15.072 acres and Lot Two with 11.710 acres. The properties are located at 1580 Golden Mile Highway in the C-2, Business/Commercial Zoning District.

The Planning Commission recommended approval.

There being no discussion, Mr. Stevenson duly made a motion to approve Subdivision 23-2-SUB and Mr. Biondo seconded it. Upon a roll call vote, the motion carried unanimously.

RESOLUTION 23-17

CONDITIONAL USE 23-2-C

TERRY SMITH

The applicant is requesting conditional use approval to operate a child care facility pursuant to Monroeville Zoning Ordinance No. 1443, as amended, Section 401.9. The property is located at 206 Monroe Street, Tax Parcel 743-E-003, in the C-2, Business/Commercial Zoning District. (Public Hearing)

The Planning Commission recommended approval.

Mr. Little reported council held a public hearing on this item at the council work session.

Whereupon, Mr. Wolfram duly made a motion to approve Conditional Use Application No. 23-2-C and Mr. Biondo seconded it. Mr. Williams was concerned with the hairpin turn to get onto this street and the applicant estimated 50 to 70 children. He reported that would mean twice a day there would be 50-70 cars making that turn into the child care facility. He felt vehicles traveling on Northern Pike would have to go in the left lane to make the turn or a three-point turn would be needed. He disagreed that it was a good setting for that amount of traffic every day.

Mr. Wolfram pointed out that the road at that point was made extra wide and he felt standard vehicles would be able to make it. He suggested the way it is set up vehicles do not need to go into the plan or turn around and they can turn on Madison to make a big U. He felt the turn radius is adequate for standard motor vehicles but he understood the concern for the volume of traffic.

Mayor Gresock suggested this is a day care center not a school with a late bell at a certain time and the drop offs and pick ups are scattered.

Upon a roll call vote, the motion carried with six affirmative votes and on negative vote by Mr. Williams.

MOTIONS

MOTION

A motion to approve approximately \$19,326.47 from the asset seizure fund minus trade-in for a total of \$17,825.47.

Mr. Little reported this would be for a used vehicle for the detective division.

There being no discussion, Mr. Stevenson duly made a motion to approve and Mr. Hyzy seconded it. Upon a roll call vote, the motion carried unanimously.

MOTION

A motion to accept the resignation of Anthony Pokusa from the Planning Commission effective immediately.

Mr. Little thanked Mr. Pokusa for his service.

Whereupon, Mr. Stevenson duly made a motion to approve and Mr. Poach seconded it. Mr. Biondo also thanked Mr. Pokusa for serving on the planning commission for a long time. Mr. Stevenson also commended him for his service. He reported Mr. Pokusa also indicated he would be willing to serve further for the municipality and Mr. Stevenson suggested it be reviewed. Upon a roll call vote, the motion carried unanimously.

MOTION

A motion to authorize to advertise an ordinance of the Municipality of Monroeville, repealing Ordinance Nos. 2464, 2480, 2550 and 2690 and setting forth the requirements for obtaining occupancy permits prior to the transfer of one and two-family dwelling units. Establishing inspection requirements for multi-family dwellings, establishing procedures for obtaining said occupancy permits and setting fees for said permits.

Mr. Little reported this is a housekeeping item.

There being no discussion, Mr. Stevenson duly made a motion to approve and Mr. Hyzy seconded it. Upon a roll call vote, the motion carried unanimously.

RESOLUTIONS

RESOLUTION 23-18

A resolution exonerating the real estate tax collector from the collection of uncollected taxes for the Year 2022.

Mr. Little reported this is an annual item and it is in the amount of \$182,191.78 for a \$9 million collection.

There being no discussion, Mr. Stevenson duly made a motion to approve and Mr. Hyzy seconded it. Mr. Williams pointed out that the resolution does not say they would not go after the money. Mr. Wrtcher explained they still go after it but it becomes delinquent. Mr. Little asserted that this exonerates the tax collector. Upon a roll call vote, the motion carried unanimously.

RESOLUTION 23-19

A resolution authorizing the mayor to enter into a Traffic Signal Maintenance Agreement with the Pennsylvania Department of Transportation for Signalized Intersections in the Municipality of Monroeville.

Whereupon, Mr. Wolfram duly made a motion to approve and Mr. Stevenson seconded it. Upon a roll call vote, the motion carried unanimously.

RESOLUTION 23-20

A resolution adopting the Cambridge Square Apartments Clubhouse Sewage Planning Module.

There being no discussion, Mr. Stevenson duly made a motion to approve and Mr. Hyzy seconded it. Upon a roll call vote, the motion carried unanimously.

ORDINANCESORDINANCE 2775

An ordinance of the Municipality of Monroeville, Allegheny County, Pennsylvania, authorizing the municipality to enter into a Land Lease with Pittsburgh SMSA Limited Partnership d/b/a Verizon Wireless, pursuant to Section 501(h) of the Home Rule Charter, for the lease of a 100 foot by 100-foot parcel of property and associated easements at the Monroeville Public Safety Training Center for the construction of a wireless communications tower and facility.

This was tabled at the March 14, 2023 Regular Council Meeting.

Whereupon, Mr. Poach duly made a motion to take the ordinance off the table and Messrs. Biondo and Hyzy seconded it. Upon a roll call vote, the motion carried unanimously.

There being no discussion, Messrs. Hyzy and Stevenson duly made a motion to approve the ordinance and Mr. Williams seconded it. Mr. Hyzy inquired why it is referred to as the Restland. Mr. Wratcher explained the sale companies issue search rings when they go out to identify locations for towers. He stated these are geographic circles to propagate a signal. He reported with this site they started in Restland Memorial Park when that did not work they approached the municipality where the signal did work. He further explained it is difficult to change the name. Upon a roll call vote, the motion carried unanimously.

REPORTS OF MUNICIPAL STAFFMUNICIPAL MANAGER'S REPORTJACK SEDLAK MEMORIAL CLEAN UP DAY

Mr. Little reported the Jack Sedlak Memorial Clean Up Day is scheduled for April 29, 2023 at 9 a.m. Mr. Sedlak reported there are approximately 200 volunteers registered. Mr. Little encouraged anyone interested to volunteer and invited everyone to the picnic afterwards that has great prizes.

COMMUNITY DAY

Mr. Little reported the Community Day has been changed from the last Saturday of July to June 10 at the Community Park West.

PUBLIC COMMENTS – ANY MUNICIPAL ITEMLOIS DRUMHELLER

Mrs. Lois Drumheller, resident, came forward to express her concerns. She reported Monroeville advertised to conduct a public hearing at last week's meeting relating to a comprehensive zoning ordinance update. She stated evidence reveals that this hearing was conducted improperly which is the subject of an email she sent to municipal manager of Pitcairn. She questioned whether Pitcairn was notified in accordance with the Municipal Planning Code about Monroeville's proposal to change the official zoning map. She read a portion of the email she sent regarding any change affecting expansion of the landfill that would be Pitcairn's concern. She stated notification of this land use change should have been forthcoming from Monroeville. She referred to Section 408(c) of the Municipal Planning Code which requires any municipality proposing to adopt an official map or an amendment to contact adjacent municipalities that have any street or public land leading into the adjacent municipality so the governing body and planning agency can review and comment. She further pointed out that the PMC states that such comments of the adjacent municipality shall be made upon the notice of the governing body proposing it. She stated a review or comments by Pitcairn would need to be given to Monroeville as that proposed action shall not be taken until those comments are received. She read if an adjacent municipality fails to respond within 45 days the governing body of the proposing municipality would proceed without delay as to what would might affect other local communities.

Mrs. Drumheller pointed out that not all Monroeville residents living close to zoning district changes were notified. She reported this was revealed in testimony given on April 4, 2023 and since then the mayor has changed the due process of this public hearing. She pointed out there was proper advertisement announcing the public hearing but at the hearing the mayor used terms like, legislative public hearing. She noted there was an omission of swearing in of the residents with prepared testimony for the public hearing. She stated the citizens that filled council chambers were informed about 90 percent through the hearing that a recess would be taken. She reported after the recess the mayor interrupted the public hearing to allow consideration of the applicants of the work session that had been waiting a long time. She reviewed of the two applicants that were allowed to present their requests one was a public hearing where the applicant was sworn-in. She questioned why the mayor swore in the witnesses at those public hearing portions but not during the public hearing where the zoning ordinance was being considered. She pointed out the remaining four citizens that spoke were not sworn in and the zoning ordinance was completed without concern as how citizens at a public hearing should have been sworn in. She reported some citizens left the meeting and the mayor did not allow other contiguous municipalities to have a chance to speak. She also reported when citizens requested a copy of the proceedings of the meeting, Monroeville announced that there was no transcript of the meeting only meeting notes.

Mrs. Drumheller asserted she is concerned that Monroeville Council improperly advised contiguous municipal citizens as to the rule of law under the MPC. She referred to Section 502.1, Contiguous Municipalities, that standing be given to Pitcairn Members of Council. She pointed out only one member of Pitcairn Council was present to represent all others who were turned away.

Mrs. Drumheller had a list of recommendations for courses for the planning commission.

REPORTS OF COUNCIL MEMBERS

SECOND WARD COUNCILMAN ERIC POACH

Mr. Poach wished his mother a Happy 94th Birthday.

THIRD WARD COUNCILMAN BOB STEVENSON

Mr. Stevenson wished Councilman Adams a speedy recovery and wished all his constituents of the Greek Orthodox faith a Happy Easter.

FOURTH WARD COUNCILMAN STEVE WOLFRAM

Mr. Wolfram also wished Councilman Adams a speedy recovery.

SIXTH WARD COUNCILMAN BOB WILLIAMS

Mr. Williams reported on behalf of Councilman Adams concerning the tar and chip program. He reported the only council members that have not had their areas tarred and chipped are not receiving complaints. Mr. Williams proposed a motion to hold off on the tar and chip but still provide the \$2 million for the engineer to do his job.

Mr. Biondo explained this was addressed at the previous meeting that it is hard to change. He stated they have to have a plan in place so the process can be started and he supported it being discussed in the future.

Mr. Poach agreed that it cannot be changed at this time. He asserted it is too late for this year but agreed it should be discussed in the future.

SEVENTH WARD COUNCILMAN DENNIS BIONDO

Mr. Biondo wished Councilman Adams a Happy Easter and a speedy recovery and he mentioned all the Orthodox Christians.

Mr. Biondo had a question concerning the process for the zoning ordinance. He reported he has discussed this issue with other council members and there is some agreement as to removing the oil and gas from the conservancy district. He questioned when that can be done and how is it done. He felt that is one of the main concerns of the public. He suggested it stay the same as it currently is and

mentioned Ordinance 2669. He reported it was left out of the discussion that the municipality would have to reduce the setback requirement to 500 feet but it would stay in the M-2 Zoning District. He asserted that was the concern of the residents of Pitcairn that with the large setback the drilling operations would take place only in the landfill which would most affect Pitcairn. He felt the way it exists is legal which is Ordinance No. 2669 and there has not been any issues. He proposed keeping it in the M-2 Zoning District with the 500-foot setback.

Mr. Poach agreed with his summery but explained council generally has held back until all other public hearings are completed. He was uncertain whether there would be any additional testimony.

Mayor Gresock pointed out this is a multi-step process and there is time for a public forum before it is approved. He compared it to the public hearings for the budget. He suggested any time during any council meeting a council member could make a motion to make a change, correction or an addition but council would work toward getting to the final ordinance. He was uncertain whether that should be done now or at subsequent meetings but changes have to be done at some point.

Further discussion ensued. Mr. Stevenson asserted anything can be taken out of the ordinance at any time.

Mr. Little inquired whether the 500-foot setback in the M-2 is adequate and Mr. Whealdon answered it fits. Mayor Gresock asserted that is how it is in the existing ordinance and Mr. Whealdon concurred. Mayor Gresock pointed out in the draft the setback is larger and Mr. Whealdon concurred.

Mr. Wratcher suggested council keep track of the changes they want to make then when there are no more public comments and council has finished deliberating, council will vote on the final document.

Mr. Williams asserted the municipality needs to provide every opportunity for public input so the public does not feel left out.

Mayor Gresock reported residents will have an opportunity at every public meeting to speak about this issue at the Citizens' Night Meeting and the Regular Council Meeting even if it is not on the agenda and they can speak at the meetings where it is on the agenda. He suggested when the discussion began concerning the proposed zoning ordinance, the oil and gas was originally in the conservancy district because that is where traditional gas wells are located or where the existing ones are located. He felt that could be where the confusion is and maybe why previous planning commissions had it located in the S, Conservancy because that is where there were existing gas wells. He disagreed that it fits in with hydraulic fracturing in this community or that technology being here. He felt a lot of changes need to be considered and modifications made.

MAYOR NICK GRESOCK

Mayor Gresock sent Happy Birthday wishes to Mrs. Poach and a speedy recovery to Councilman Adams and Happy Easter wishes to the Orthodox Christians.

Mayor Gresock commented that the public hearing done for the zoning ordinance was held and done in all the appropriate ways. He asserted the information provided was not quite accurate. He stated everything was done appropriately and a representative from Pitcairn Council spoke. He pointed out they would get another opportunity to speak as well.

Mr. Wracher pointed out that a basic principal in law is that when someone comes forward to claim they do not have notice that claim goes away if that person attends the meeting that they did not receive notice of and gets an opportunity to speak. He stated Pitcairn had a representative and that person indicated he was speaking on behalf of council. Mayor Gresock pointed out the Pitcairn Mayor and other council members were in attendance. Mr. Wracher continued that if there was a defect in notice of Pitcairn Council it was cured by the gentleman that gave testimony.

ADJOURNMENT

There being no further business to come before council at this time, Mr. Stevenson duly made a motion to adjourn the meeting at 7:37 p.m. and Mr. Biondo seconded it. Upon a voice vote, the motion carried unanimously.

Respectfully submitted,

Timothy J. Little
Municipal Manager

TJL/sam

