

**MINUTES WEST MIDDLESEX BOROUGH**

**WORK SESSION**

**SEPTEMBER 14, 2022**

**6:30 p.m.**

**Call to Order**

**Pledge of Allegiance**

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

**Others Present:** Sandra Ricci, Secretary/Treasurer on Zoom, Bobby Cochran, Street Department Senior Laborer, Barb Lipinski, Jeff Hughes, Ray Lucich and Brian Harmon.

**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:** President Eric Lucich explained the Adoption of Ordinance No. 1 of 2022 which states the reference to the Police will now be that of the Borough Code Officer for Disability Parking on Borough Streets.

**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:** Eric Lucich read aloud and confirmed this topic.

**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:** Eric Lucich read aloud and confirmed this topic.

Mr. Lark asked on the meeting of August 29<sup>th</sup> how many members of Council were present. Eric Lucich stated three. Mr. Lark stated that is a quorum. Mr. Lucich said according to the article that our Solicitor sent us (he proceeded to locate the paperwork). Mayor Curry said she also attended that meeting. Mr. Lark said they are advertising the meeting after the fact of the meeting that took place on August 29<sup>th</sup> and it wasn't advertised, there were three members of Council and the Mayor attended and some of us didn't even know about it. Mr. Lucich said the Solicitor advised that they were allowed to have more than two. Mr. Lark questioned if the Solicitor also advised that the meeting could be held without advertising and that it wasn't in violation of the Sunshine Act and we're advertising it now three weeks later. Mr. Lucich said the Solicitor was the one who set the date of the meeting since he was in the talks with the Union Representative.

Mr. Lucich said he just went on the Solicitor's advisement on what they were doing. Mr. Lark said two years ago when there was a conflict about a meeting an individual took it upon herself, based on her past experience with Lake Latonka and the School Board that we were in violation of the Sunshine Act with Judge Acker. Mr. Lark said there were headlines in the paper that was in a Council meeting in their fire hall where Mr. Lucich conducted the meeting where he wasn't accused of anything. Mr. Lark asked what has changed since then since Mr. Preston, the former Mayor and he was accused of violating the Sunshine Act. Mr. Lark said this would appear to be in violation of the Sunshine Act advertised for a meeting three weeks after it's already taken place. Mr. Lucich said the Solicitor sent him a bunch of things but he can't find them right now, emails that said they were allowed to do it. Mr. Lucich said they will have to get his reasons on allowing it. Mr. Lark stated not only allowing, it but advertising it after the fact and questioned what purpose is it now to advertise it when it already took place. Mr. Lucich said he doesn't know if they are advertising it, but just notifying as a notice that was given, not an article of advertisement. Mr. Lark said when notice is given it is usually given before the meeting, not a chapter afterwards, that's the purpose of a notice so people know there is a meeting and that their Government is functioning and now the people are being told about it after the fact three weeks later, so whether we call it an advertisement or notice, it's after the fact. Mr. Lucich said they will have to talk to Attorney Tesone about that, and he said he doesn't know how to answer that, only that's what he was told. Mayor Curry said she was also unclear about that per the Sunshine Act as she was confused about that. Mr. Lucich said he thinks it's an exception to open meeting law, but he cannot locate it in his email. Mr. Webster said that Attorney Tesone sent out an email that three people could be there because that question was brought to him and he stated the Section of the Borough Code. Mr. Lark said he isn't questioning the number of people there, he is questioning that there was no public notice and we're now notifying the public three weeks after the fact.

**Mercer County Regional Planning Commission – Zoning Code Categories:** Mr. Lark spoke in regards to the Zoning Commission and that he stopped there the other day but Ms. Holmes wasn't in. Mr. Lark stated it's the Mercer County Regional Planning Commission's annual audit and he had the Borough's copy which he passed around. Mr. Lark said the next paper he passed out is an item before the Zoning Commission that will affect them about a follow-up with Mr. Winslow where he came to their meeting about a month ago talking about a project that wasn't very revealing as far as the information, what it is, where it is and so forth. Mr. Lark said the Engineering Company that is actually doing the work, he doesn't know whether they're working with Mr. Winslow, with the Engineering Co. in Hermitage or whether this company is now doing it, called Crystalair Consulting LLC in New Wilmington. Mr. Lark read aloud the explanation of what this is about. Mr. Lark said on Route 18 across from the Diner is the former gas station that was the ice cream place and is now Joe's Beer. He said the person who owns that is looking at expanding that (Brian Joseph) and Mr. Joseph has submitted some paperwork to Regional Planning for site development and stormwater issues related to that property and he wants to build a warehouse, to improve the access roads which extend around the curve and provide concrete ADA areas. If he gets proper approvals in place, he will then be moving his beer distributor Joe's Beer to this new location. Mr. Lark said this is at 3447 Sharon Road and he and Attorney Tesone thinks it's in the grass area before you reach Nancy's Tavern. Mayor Curry agreed. Mr. Lark explained water issues near that property in question, particularly between Nancy's and the next house and that's all he knows at this time. Mayor Curry said Mr. Joseph called her and she wasn't sure what he was talking about because she wasn't aware of the fact that he already started and had an engineering firm and architect in place and he was upset with the letter that was sent on behalf of Council from Attorney Tesone and because of the wording of the email.

Mr. Joseph wanted clarification regarding Council wanting a \$5,000.00 retainer put into escrow per Attorney Tesone's email and that anytime it was discussed, Mr. Joseph would be paying and he was very upset as an already existing business owner in town and he expressed that he was a draw bringing people into our community and that he knew of another project that was a million dollar plus project where they only had to pay \$2,000.00 for their permit. Mayor Curry said she was assuming he meant Campbell's and he wanted to know why if his escrow account fell below \$2,500.00 why he would have to then pay \$5,000.00 and essentially give the borough a blank check. Mayor Curry said she told him she would go to the Council meeting and ask some questions and he expressed that he has a business that is such that he can take it anywhere in Mercer County and he didn't like the way he was being treated by the town. Mr. Lark said Council was not involved in any discussions regarding this and that it came from their Solicitor. Mayor Curry agreed and said she could sympathize in what he was saying and she said she pretty much on behalf of the town, said to him please don't take your business, we don't want to lose another business and he's prepared to leave, that he already has the plans with Shenango Steel building which is going to cost him more than using another company, he was keeping the money in the Borough and he also contacted Lark Excavation and that they were ready to go on the project and again he was supporting the town and if the town doesn't support him, he's given to every charity and team, that he's prepared to go to Hermitage. Mayor Curry said she would hate to see that happen since he is \$70,000.00 to \$80,000.00 into the project and that he already has everything that the Solicitor said he needs to do and he doesn't understand why. Mayor Curry said she would suggest in some capacity that Council find out what is going on with where Attorney Tesone is coming from because it doesn't seem in the best interest of the Borough to have a business like that leave. Mayor Curry said Mr. Joseph was going to attend the Work Session and Regular Meetings but he would be out of town and that's why he's not presenting it himself. Mayor Curry said he told her he would of course pay for permits, but if his \$1,000,000.00 project only had a permit fee of \$2,000.00, and his estimated cost of his business is \$500,000.00, he didn't feel that his construction permit should be more than \$1,500.00. Council and Mayor Curry discussed further. Mr. Lucich said he will call and talk with Mr. Joseph. Mr. Lark said he will check the status on what Ms. Holmes from Regional Planning has done in conjunction with him, which is a separate issue from what Attorney Tesone has done, and potentially what Mr. Richardson has done or not done.

**Street and Sewer Department Reports:** Bobby Cochran read aloud the Street and Sewer Department Reports. Mr. Lucich and Mr. Cochran discussed water by the bus garage and T. Bruce Sales and said even though it's state roads, it's leading into their storm sewer. Council discussed further. Mr. Lucich asked Mr. Cochran if he still had any cold patch left and Mr. Cochran confirmed. Mr. Lucich said they should fill in as many roads as they can before bad weather to save those roads. Mr. Cochran let Council know stop signs were needed in the Borough.

**Purchase Christmas Decorations for Memorial Park:** Mayor Curry suggested purchasing Christmas Decorations for the Memorial Park with taxpayer's money since they spend taxpayer's money to cut the grass and the electric bill there. Mayor Curry said she was looking at decorations and this is the time to purchase them due to expenses and availability. Mr. Lark suggested her proposal be on the Agenda for next week.

**DCED Presentation – Budget:** Eric Lucich said there were discussions with what budgetary numbers would look like for a consolidation with the Township and not the fire department.

**Shenango Township Ambulance Service cost:** Mr. Lucich said the cost is zero. Mayor Curry asked if they need information to come to the Borough, Mr. Lucich confirmed. Mr. Lark said he was in the understanding that when you call 911, 911 assigned you an ambulance and doesn't request so and so. Eric Lucich said currently they have McGonigle and Elite and all they would be doing is adding them to the list to go. Mr. Lucich said they have the same qualifications as McGonigle and Elite, an AOS Ambulance Provider. Mr. Lucich said there will be a bill with any ambulance service and your insurance would probably cover it. Mr. Lucich said he would not ask to put them on rotation until they came down to give a presentation.

**Progressive Energy Contract – Rates – Jefferson Sommers:** Mr. Lucich said they will have updated rates for Tuesday's Council Meeting from Jefferson Sommers.

**Light Up Night Parade Date and Time Set:** Mayor Curry said the Light Up Night Parade date would be November 27, 2022 at 6:00 p.m. Mr. Lark said the Homecoming Parade Permit has been submitted and approved for October 7, 2022.

**Trick-or-Treat Date and Time Set:** Mr. Lark said Trick-or-Treat days and times in the past have usually been on October 31<sup>st</sup> from 4:00 p.m. – 6:00 p.m. and Shenango Township's date is the same, with their times being 5:00 p.m. – 7:00 p.m.

Mr. Lark addressed the West Middlesex Borough Sewer Authority Meeting to organize. Mr. Lark said they received a letter from Shenango Township requesting they meet with the Solicitors and Engineers. Mr. Lark said he sent them a letter suggesting times and dates.

Mr. Lucich said a new pump was purchased for Lillibridge and they should look into another new pump for a replacement instead of the old pump, also find a grinder pump to fit into the hole to prolong the pump.

Council and Mayor Curry discussed a flower business interested in the Circle K property and the potential buyers would have to go through court proceedings to find the next of kin as ownership of that property.

**Adjournment @ 7:30 p.m.**