Bentleyville Borough Council
Regular Meeting
Tuesday, March 6, 2012 at 7:00 p.m.
900 Main St., Bentleyville, PA 15314

Council President Joe Kurilko called the meeting to order at 7:00 p.m. with the Pledge of Allegiance.
Council Members present: Joseph Kurilko, Vice-President Roy Larimer, Gary Damich, Stan Glowaski, Robert Paul, Linda Vrabel and Ken Yankowsky
Also Present: Mayor Tom Brown, Solicitor Dennis Makel, and Secretary Sheryl Hreha

There was no business from the floor.

IT WAS MOVED BY Stan Glowaski, seconded by Bob Paul and carried unanimously to approve the minutes of February 7, 2012.

IT WAS MOVED BY Ken Yankowsky, seconded by Roy Larimer and carried unanimously to accept the Treasurer's Report ending February 29, 2012.

Unfinished Business:
Electric Provider – Champion Energy Services sent bills for early termination fees ($1,337.02 total for seven accounts). The agreement, signed by M. Sullivan, of Champion Energy, was the one forged by InSource Power Inc. Ms. Hreha reviewed the actions taken in the summer of 2011 regarding InSource Power and Champion Energy.

Since the February meeting other companies were contacted for electricity rates. One of the contacts was Mr. Paul Fiori, Affiliated Power Purchasers International, LLC (APPI). APPI is endorsed by the PA State Association of Boroughs. Today, he received a quote from Champion Energy for $0.05612/kWh (24 month agreement) and $0.05959/kWh (36 month agreement), as well as quotes from 6 other electricity producers. Another contact was FirstEnergy Solutions. They offer a rate of $0.0579/kWh (24 month agreement); their offer expires March 31st. A third contact was Blue Pilot Energy. They offer a flat $0.06/kWh rate with no agreement, but the rate is only guaranteed for 90 days; it then becomes a variable rate.

After much discussion, **IT WAS MOVED BY** Stan Glowaski, seconded by Roy Larimer and carried unanimously to authorize Solicitor Makel to write to Champion Energy Services about the 2011 agreement being forged by InSource Power, Inc., with a caveat to negotiate rates with Champion thru APPI.

Insurance Bids – There are 4 companies bidding on the borough's insurance – Higbee (current agent), Marthinsen & Salvitti, Keystone, and PIRMA. They should have their quotes in by April 3rd, so Council will have time to decide before policies expire on May 8th. Also, the traffic light is not currently insured; Council decided that they do want the traffic light insured.

Sidewalks along North Main Street and Wilson Road – previously Council voted to have ADA approved shoulders along Wilson Road instead of sidewalks when

the Interchange is re-done in the next few years. A maintenance agreement does not need to be signed for the shoulders. It was then learned that the project is also going to remove existing sidewalks at the intersection of Main Street and Pittsburgh Road. If the Borough does not sign a maintenance agreement with Penn DOT to maintain the sidewalks, Penn DOT will replace the existing sidewalks with grass, not another sidewalk. **IT WAS MOVED BY** Ken Yankowsky, seconded by Gary Damich and carried unanimously to have sidewalks installed or re-installed along the whole corridor of North Main Street and Wilson Road where the project will impact. The Borough will have to sign a maintenance agreement with Penn DOT. The Borough also has an ordinance which states the property owners are responsible for their sidewalks.

New Business:
President Kurilko wanted to know if the Borough could get 3 phone bids to have Marvin Taylor's house at 112 Smith Street demolished. The house could be demolished with Redevelopment Community Block Grant, but Mr. Damich said that it wouldn't be done until after July 2013. Solicitor Makel said that the borough needs to check to see if there are any liens against the property. **IT WAS MOVED BY** Ken Yankowsky, seconded by Linda Vrabel to appropriate the money and follow proper procedures to have the house at 112 Smith Street demolished. With Roy Larimer the only opposing vote, motion carried 6 to 1.

Act 13 of 2012 – Solicitor Makel explained that this act refers to HB 1950 which became law this year and pertains to the Gas & Oil industry. Whereas before a municipality had rights through the Municipal Planning Code & zoning ordinances to regulate the districts where gas & oil wells and stations could be located, now they are a permitted use, with some restrictions, in all but residential districts. However, it does provide for counties and municipalities to adopt an impact fee. Solicitor Makel informed Council that Bentleyville will receive $21,907.00 pursuant to Act 13 of 2012. This allocation, based on a formula, once it's received, should be placed in a Capital Reserve Fund since it is not allocated this year as part of the budget, according to old laws.

UCC Appeals Board – HMT & Associates sent a letter dated February 28th asking the Borough to review their Uniform Construction Code appeals board to see if it is still in place. One member of the board is now deceased and one moved out of Bentleyville. Action was tabled until the next meeting.

Secretary requested permission to purchase an updated numerical listing of tax parcels. **IT WAS MOVED BY** Ken Yankowsky, seconded by Roy Larimer and carried unanimously to purchase a numerical listing of parcels from Washington County for a cost of $94.96.

Other new business:
Stan Glowaski said that doors at the Senior Citizens need replaced. **IT WAS MOVED BY** Ken Yankowsky, seconded by Roy Larimer and carried unanimously to replace the front and back doors at the Senior Citizens, and authorizing Stan Glowaski to make the final decision of what to buy.

IT WAS MOVED BY Ken Yankowsky, seconded by Roy Larimer and carried unanimously to purchase road signs, as needed.

Secretary's Report – Beth Lawrence from the Washington County Tax Assessment office called regarding the recent addition to Powell's Body Shop (914 Main St.). It seems the building is on 2 separate parcels. Solicitor Makel said that in order to consolidate the two, the Borough must follow the Subdivision and Land Development Ordinance. Ken Yankowsky asked if Council could just approve. All agreed they wanted it as uncomplicated for Mr. Powell as possible. Mr. Makel opined that the tax abatement would not be affected by the building being on two parcels.

IT WAS MOVED BY Stan Glowaski, seconded by Linda Vrabel and carried unanimously to grant permission for the secretary to attend a meeting at North Strabane Twp. municipal building concerning the Earned Income Tax reports from Keystone Collection Group on Friday, March 23rd.

IT WAS MOVED BY Ken Yankowsky, seconded by Stan Glowaski and carried unanimously to transfer $10,000 from the General Fund into the Capital Improvement Fund (PA Invest). Council also agreed to pay an additional payment on the building loan towards the principal.

Council discussed applying for a DCNR grant for an addition onto the concession stand for storage.

Solicitor Makel sent correspondence on the use of emails between Council members and the Right-To-Know Law.

Recreation Board – the Easter Egg Hunt will be held on Saturday, March 31st at 1:00 p.m. **IT WAS MOVED BY** Linda Vrabel, seconded by Roy Larimer and carried unanimously to open Richardson Park on March 24th so it will be cleaned and the water turned on for the Easter Egg Hunt.

Solicitor's Report – none

Mayor's Report – Mayor Brown had a discussion with Chief Hartman about radios. Apparently, the radio system is being changed in Washington County and the chief asked if Bentleyville would consent to buying a radio for one of the cars, and a hand-held radio for an officer. Mayor Brown thought that Chief Hartman should come to the next meeting and explain what they want and why.

Committee Reports:
Building and Borough Properties: Stan Glowaski said that he and Mr. Larimer met with the men doing the drainage at Caramel Park. Solicitor Makel advised waiting before starting the process of giving the Community Center to the Library.
Streets and Bridges: Joe Kurilko said the employees are working on the street sweeper; they received new brushes from Jefferson Twp. He suggested certain places in town where the sweeper would be helpful. Mr. Yankowsky talked with Mr. Marty Rapsack who told him that Penn DOT will sweep Main Street, probably in April.
Police and Lights: Roy Larimer collected $55.66 from the parking meters.
Health and Sanitation: Linda Vrabel wanted to remind everyone to clean up their properties throughout the month.

Redevelopment: Gary Damich reported that his committee talked with [Mr. Kerry Fox] of Redevelopment and that the Borough's tri-annual grant is due to come up this fall and they would like to use it to demolish some buildings in town. The procedure for demolition is a release from the Solicitor, notices of violations and the building must be unoccupied for 6 months. He would like at least 5 buildings to be on the list for demolition.
Finances and Purchases: Ken Yankowsky read the Treasurer's Report ending February 29, 2012.

Other Business:
Stan Glowaski asked about reports from the Zoning Officer; the secretary reported that his computer was down for awhile due to the change of offices. Notices of violation were sent to owners of 4 properties along Main Street.

IT WAS MOVED BY Stan Glowaski, seconded by Gary Damich and carried unanimously to pay the bills as presented.

IT WAS MOVED BY Linda Vrabel, seconded by Bob Paul and carried unanimously to accept the receipts of $38,515.97.

IT WAS MOVED BY Bob Paul, seconded by Stan Glowaski and carried unanimously to adjourn the meeting.

The meeting was adjourned at 8:40 p.m.

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Sheryl M. Hreha, Borough Secretary