

## **Canonsburg Borough Council Voting Meeting**

November 13, 2023

7:12 PM

### **CALL TO ORDER:**

The meeting was called to order by Mr. Chandler at 7:12 pm.

**Moment of Silence** called by Mr. Chandler.

### **Pledge of Allegiance**

### **Roll Call:**

Mr. Eric Chandler, President – Present

Mrs. Tina Bails - Present

Mr. John Severine - Present

Mr. Edward P. Yorke - Present

Mr. Carl Lawrence - Present

Mr. Richard Bell, Vice President - Present

Mr. Richard Russo - Present

**Others Present:** Borough Manager Denise Lesnock, Mayor David Rhome, Solicitor Joseph Dalfonso, Public Works Director Brian Moody, Police Chief Alex Coghill, Code and Zoning Enforcement Officer Melissa Graff

**Absent:** Engineer, Jeff Marcink.

### **GUESTS:**

Scott Shearer, PFM - A general discussion was held with regard to the sale and rates of the sewer authority. Mr. Shearer presented a comparison of the rates from September to now.

### **PUBLIC COMMENTS:**

Steven Moskal, 617 Giffin Ave – I was going to leave but then I saw something getting back to seven (7) innings was the Falconi Field Lease under unfinished business. Well, if you know who I am, back in the nineties (90's) I had the lease. I was president of the baseball association and on council at the time. I have the lease for ninety-nine (99) years, for the Borough of Canonsburg with all of the documentation for the layouts for all of the property

lines and everything because I am a packrat. I do keep certain things like when we got approved for the light at Gladden Rd. But, getting back to that Falconi Lease was originally when Falconi gave us the property, and it was to be part of the park. It was supposed to be part of the park, and it was so funny because again I saw this and one of my coaches took down his daughter on a Sunday afternoon and it so happens to be a softball player who lives in East End, and so he just went over the hill and no one was on the field, so he started to play with his daughter on the field and got kicked off of the field because it says “baseball only” at Falconi Field. I was like “dude, it’s not. I mean it was supposed to be part of the park board originally on an official lease that was set aside for it. Granted it was only a dollar a year and I don’t know I might not have paid two (2) years but the thing about it was that’s the way it was set up in that lease. Now, Engelhart Engineers was the engineers at the time when Falconi donated that property down there and also built that building down there. Now, then was I was on we got approval to put the lights up and I don’t know what’s going on with this lease or anything, I heard through the grapevine just sitting here for a couple seconds that something was/is going on down there. So, there was two (2) parts to that lease. The first part was Falconi donated a certain amount of property for that lease for tax purposes, and then part two (2) came in because he wanted originally to take back some of the land he donated to the borough, but it was a grey area across the creek and whatever and I have all those lines if you ever need them. I just wanted to bring that up before I left the room. What is going on with that lease if I may ask? I don’t know I just seen unfinished business and I’m sneaking out of here.

Joe Dalfonso, Solicitor – Mr. Moskal, um, there was a 2015 version of this lease

Mr. Moskal – Well, why?

Joe Dalfonso, Solicitor – Until just now I was unaware that there was a ninety-nine (99) year lease

Mr. Moskal – Oh

Joe Dalfonso, Solicitor – I would like to see a copy of that. So, what happened back in 2015, there was a signed and executed lease the borough’s meeting minutes did not reflect them voting on the 2015 lease. They tabled it really no explanation as to why, there was never an affirmative vote to accept that 2015 lease

Mr. Moskal – I mean it’s still effective for the ninety-nine (99) year lease. I don’t know

how you guys look at that or whatever

Joe Dalfonso, Solicitor – I would need to take a look at that

Mr. Moskal – I'll get that for you. I have no problem with that, plus if you want a layout of the land, I can get that also

Joe Dalfonso, Solicitor – Well, that would be beneficial. We have a planning commission meeting December 7 I believe

Mr. Moskal – Yeah, I'll just get it out of my file cabinet. No problem I'll have it for you

Joe Dalfonso, Solicitor – Perfect

Mr. Moskal – The thing about it is my issue with the lease was is it still, I mean it's supposed to be part of the park and rec board

Joe Dalfonso, Solicitor - Yeah, the property was donated by Falconi to be part of our recreational program

Mr. Moskal – As part of the park because in the lease if I'm not mistaken, it did say something about the park board was going to be taking that over

Joe Dalfonso, Solicitor – A lease between who? The borough and the baseball association?

Mr. Moskal – The borough and the baseball association

Joe Dalfonso, Solicitor – This is the first I am hearing of a ninety-nine (99) year lease. I need to take a look at it

Mr. Lawrence – That lease referred to property that was never recorded, it wasn't on the plan. It was a mess

Mr. Moskal – Which lease are you referring to?

Mr. Lawrence – I'm talking about the last lease that was written up

Mr. Moskal – The 2015

Mr. Lawrence – Yeah 2015

Mr. Chandler – That's our goal. It's to clean it up

Joe Dalfonso, Solicitor – There's been changes to the area up there where part of the fields are outside of the leased area

Mr. Moskal – Ok. It's either part one (1) or part two (2)

Joe Dalfonso, Solicitor – I think there's four (4) parts to this now. It sounds like maybe the borough was donated these parcels in two (2) different periods

Mr. Moskal – They were

Joe Dalfonso, Solicitor – So, that could be why the ninety-nine (99) year lease was no longer in effect come 2015. I don't know just an assumption. I'll have to take a look at it to be definitive

Mr. Moskal – That's all I have

**PRESIDENT'S COMMENTS:**

Deferred to Junior Council

**JUNIOR COUNCIL:**

**MAYOR'S COMMENTS:**

Mayor Rhome reported on the following. Unless anybody has anything for Chief or I, I would like to wish everyone a Happy Thanksgiving

**VOTING ITEMS:**

**1. Motion to approve October 9, 2023, Meeting Minutes of Canonsburg Borough Council.**

Mrs. Bails made a motion to approve the October 9, 2023, Meeting Minutes of Canonsburg Borough Council. Seconded by Mr. Yorke.

No questions on the motion.

All in Favor. Motion carries.

**2. Motion to approve all bills presented on the current warrant lists.**

Mr. Bell made a motion to approve all bills presented on the current warrant lists. Seconded by Mrs. Bails.

Mr. Russo – Uh, just a comment. Once again there is an item under the park and rec that is being held out. Uh, \$2500.00 check as you all know was held last month is being held again this month because we don't have an estimate on what the friends of the park is wanting to do. That's on the park and rec fund warrant list. You will see \$2500.00 and another comment on

the warrant list. Under capital projects, there is an invoice from KLH, dated September 30<sup>th</sup> for \$10,929.00, and before I would recommend approval, let's go back I think Denise and Eric you were part of this discussion; they were supposed to come back to us with some consideration for their reengineering of the Eagle's lot, moving the kiosk, changing the road around. They were supposed to give us some consideration, monetary consideration for that following our meeting, and I have not heard whether they have or have not. Do you know if they have?

Denise Lesnock, Borough Manager – What they told us was you guys met and talked, and that there was consideration for design, and then consideration for the engineering of the actual project. Um, and we had not met that number yet for engineering the actual project

Mr. Russo – Yeah, but that was the \$460,000 or whatever

Denise Lesnock, Borough Manager – Correct

Mr. Russo – But he was going over after our meeting to look at the kiosk, and say hey we moved it from here to there

Denise Lesnock, Borough Manager – I have not heard anything from him after that, but our meeting is coming up at the end of this month

Mr. Russo – So if I could Mr. President, I would like to make or adjust that motion to hold that KLH bill, number 76197, in the amount of \$10,929.12 until we hear back from them. Can I do that

Mr. Chandler – Yep

Joe Dalfonso, Solicitor – Sure can

Mr. Chandler – Ok

Joe Dalfonso, Solicitor – You have an amended motion. You need a second

Mr. Chandler – Can I have a second?

Mr. Severine – I'll second it

Mr. Chandler – Ok, that’s Mr. Severine

**Roll Call:**

Mr. Bell - Yes

Mrs. Bails - Yes

Mr. Yorke – Yes

Mr. Russo – Yes

Mr. Severine - Yes

Mr. Lawrence – Yes

Mr. Chandler - Yes

7 Yes, 0 No, 0 Absent. All in Favor. Motion carries.

**3. Motion to approve the Chartiers Creek Flood Plan as a subsection of Canonsburg Borough's Emergency Management/Action Plan.**

Mr. Severine made a motion to approve the Chartiers Creek Flood Plan as a subsection of Canonsburg Borough's Emergency Management/Action Plan. Seconded by Mr. Bell.

Mr. Lawrence – I went through the whole plan, and it is pretty descriptive. The only thing is we do have an emergency management person that really don’t seem to be referred to in that.

Mr. Chandler – I am going to defer to Chief because Chief worked on it

Chief Coghill - It’s definitely in there, you’ll find him under the command post

Mr. Lawrence – Ok

Chief Coghill – I’ll review it again

Mr. Lawrence – I just think that since we do have an emergency management person, to make sure that he is part of that

Chief Coghill – Right. Yeah, he is

Joe Dalfonso, Solicitor – This will be part of the borough’s overall emergency management plan, he will be running quarterback should anything happen through the whole thing

Mr. Chandler - Ok

All in Favor. Motion carries.

**4. Motion to approve advertising 2024 Tentative Budget.**

Mr. Bell made a motion to approve advertising 2024 Tentative Budget. Seconded by Mrs. Bails.

Mr. Russo – Question. I hate to do this guys, I’m sorry. So, under the police section, it might be just a clarification Denise I’m not sure. Uh, 410131 - Part Time Officers and I might have missed this the first couple times through, but I don’t see the offset with equitable shares

Denise Lesnock, Borough Manager – On page two (2), 392010 – Transfer from Equitable Shares to the municipality

Mr. Russo – Very good. Got it. Thank you

Denise Lesnock, Borough Manager – Mhm

Mr. Chandler – What other questions?

Mr. Severine –You said transfer, I don’t see the \$21,000

Mr. Russo – She just gave you the account number

Mr. Severine – Oh

Mr. Chandler – It’s on the second page. 392010

Mr. Severine – Say that again

Mr. Chandler – It’s on the second page. 392010

Mr. Severine – Ok

Mr. Chandler – You good

Mr. Severine - Yes

**Roll Call:**

Mr. Russo - Yes

Mr. Yorke - No

Mr. Lawrence - Yes

Mr. Bell - Yes

Mr. Severine - No

Mrs. Bails - Yes

Mr. Chandler - Yes

5 Yes, 2 No, 0 Absent. All in Favor. Motion carries.

**5. Motion to approve advertising 2024 Tax Ordinance #1380.**

Mr. Lawrence made a motion to approve advertising 2024 Tax Ordinance #1380. Seconded by Mr. Russo.

No questions on the motion.

**Roll Call:**

Mr. Severine - Yes

Mr. Lawrence - Yes

Mr. Bell - Yes

Mr. Yorke - Yes

Mrs. Bails – Yes

Mr. Russo - Yes

Mr. Chandler - Yes

7 Yes, 0 No, 0 Absent. All in Favor. Motion carries.

**6. Motion to approve advertising 2024 Salary Ordinance #1381.**

Mr. Bell made a motion to approve advertising 2024 Salary Ordinance #1381. Seconded by Mrs. Bails.

No questions on the motion.

**Roll Call:**

Mr. Lawrence - Yes

Mr. Bell - Yes



Mr. Severine - Yes

Mrs. Bails - Yes

Mr. Russo – Yes

Mr. Yorke – Yes

Mr. Chandler - Yes

7 Yes, 0 No, 0 Absent. All in Favor. Motion carries.

**7. Motion to approve Spartan Construction Services, Inc. Pay Application No. 14, and No. 15 in the total amount of \$94,775.80 for work completed on Contract 2021-08.**

Mrs. Bails made a motion to approve Spartan Construction Services, Inc. Pay Application No. 14, and No. 15 in the total amount of \$94,775.80 for work completed on Contract 2021-08.

Seconded by Mr. Lawrence.

Mr. Lawrence – Is that final payment, Denise?

Denise Lesnock, Borough Manager – Yes, I believe that is the final payment

Mr. Yorke – The engineer did say something about Spartan is holding on on something. I don't know what it was, they were holding total release for some reason, I forget

Mr. Lawrence – The heating of the building. They are still contesting

Mr. Yorke – They are still contesting that

Mr. Lawrence – They are going to send us a bill for that. They tried to bill us, and we refused. We can get clarification from Jeff if you want. That's how I recall it

Denise Lesnock, Borough Manager – We would have to approve the change order and that has not come through

Mr. Chandler – Correct. Jeff has not accepted the change order

Denise Lesnock, Borough Manager – You are correct

No questions on the motion.

**Roll Call:**

Mrs. Bails - Yes

Mr. Bell - Yes

Mr. Lawrence - Yes

Mr. Russo - Yes

Mr. Severine - Yes

Mr. Yorke – Yes

Mr. Chandler - Yes

7 Yes, 0 No, 0 Absent. All in Favor. Motion carries.

**8. Motion to approve SE Schultz Electric Change Order No. 3 in the decrease amount of -\$37,400.00 to credit the remaining utility allowance.**

Mrs. Bails made a motion to approve SE Schultz Electric Change Order No. 3 in the decrease amount of -\$37,400.00 to credit the remaining utility allowance. Seconded by Mr. Lawrence.

No questions on the motion.

**Roll Call:**

Mr. Bell - Yes

Mr. Russo - Yes

Mr. Severine - Yes

Mr. Lawrence – Yes

Mr. Yorke - Yes

Mrs. Bails – Yes

Mr. Chandler - Yes

7 Yes, 0 No, 0 Absent. All in Favor. Motion carries.

**9. Motion to approve SE Schultz Electric Pay Application No. 15 and No. 16 - Final in the total amount of \$22,184.78 for all work completed on Contract 2021-09.**

Mr. Lawrence made a motion to approve SE Schultz Electric Pay Application No. 15 and No. 16 - Final in the total amount of \$22,184.78 for all work completed on Contract 2021-09.

Seconded by Mrs. Bails.

No questions on the motion.

**Roll Call:**

Mr. Yorke – Yes

Mr. Severine - Yes

Mr. Russo - Yes

Mr. Lawrence – Yes

Mr. Bell – Yes

Mrs. Bails - Yes

Mr. Chandler - Yes

7 Yes, 0 No, 0 Absent. All in Favor. Motion carries.

**10. Motion to approve Maxim Construction, LLC Change Order No. 2 in the decrease amount of -\$3,217.48 to credit the remaining allowance for the rotted wood replacement.**

Mr. Russo made a motion to approve Maxim Construction, LLC Change Order No. 2 in the decrease amount of -\$3,217.48 to credit the remaining allowance for the rotted wood replacement. Seconded by Mr. Lawrence.

No questions on the motion.

**Roll Call:**

Mr. Lawrence - Yes

Mr. Bell - Yes

Mr. Yorke – Yes

Mr. Severine – Yes

Mrs. Bails – Yes

Mr. Russo - Yes

Mr. Chandler - Yes

7 Yes, 0 No, 0 Absent. All in Favor. Motion carries.

**11. Motion to approve Maxim Construction, LLC Pay Application No. 1 – Final in the amount of \$68,682.52 for all work completed on Contract 2023-03.**

Mrs. Bails made a motion to approve Maxim Construction, LLC Pay Application No. 1 – Final in the amount of \$68,682.52 for all work completed on Contract 2023-03. Seconded by Mr. Lawrence.

No questions on the motion.

**Roll Call:**

Mr. Lawrence - Yes

Mr. Russo - Yes

Mrs. Bails - Yes

Mr. Yorke – Yes

Mr. Severine - Yes

Mr. Bell - Yes

Mr. Chandler - Yes

7 Yes, 0 No, 0 Absent. All in Favor. Motion carries.

**12. Motion to approve Alex E. Paris Contracting Company, Inc. Change Order No. 1 in the decrease amount of -\$39,884.90 as a final adjusting change order for the actual installed quantities.**

Mr. Lawrence made a motion to approve Alex E. Paris Contracting Company, Inc. Change Order No. 1 in the decrease amount of -\$39,884.90 as a final adjusting change order for the actual installed quantities. Seconded by Mrs. Bails.

No questions on the motion.

**Roll Call:**

Mrs. Bails - Yes

Mr. Severine - Yes

Mr. Russo - Yes

Mr. Bell – Yes

Mr. Lawrence - Yes

Mr. Yorke – Yes

Mr. Chandler - Yes

7 Yes, 0 No, 0 Absent. All in Favor. Motion carries.

**13. Motion to approve Alex E. Paris Contracting Company, Inc Pay Request No. 2 – Final in the amount of \$103,311.57 for all work completed on Contract 2023-04.**

Mr. Yorke made a motion to approve Alex E. Paris Contracting Company, Inc Pay Request No. 2 – Final in the amount of \$103,311.57 for all work completed on Contract 2023-04.

Seconded by Mr. Lawrence.

No questions on this motion.

**Roll Call:**

Mr. Lawrence - Yes

Mrs. Bails - Yes

Mr. Yorke - Yes

Mr. Russo – Yes

Mr. Severine – Yes

Mr. Bell – Yes

Mr. Chandler - Yes

7 Yes, 0 No, 0 Absent. All in Favor. Motion carries.

**14. Motion to approve based on the recommendation of the Planning Commission E.J. Kleckner's minor subdivision at 503 and 505 West Pike St.**

Mr. Severine made a motion to approve based on the recommendation of the Planning Commission E.J. Kleckner's minor subdivision at 503 and 505 West Pike St. Seconded by Mrs. Bails.

No questions on this motion.

All in Favor. Motion carries.

**15. Motion to approve Resolution #11-2023 (Christmas Banner to be hung across East Pike Street at Dollar General).**

Mr. Yorke made a motion to approve Resolution #11-2023 (Christmas Banner to be hung across East Pike Street at Dollar General). Seconded by Mrs. Bails.

No questions on this motion.

All in Favor. Motion carries.

**16. Motion to approve Resolution #12-2023 (PennDOT Traffic Signal Maintenance Agreement).**

Mr. Severine made a motion to approve Resolution #12-2023 (PennDOT Traffic Signal Maintenance Agreement). Seconded by Mr. Bell.

No questions on this motion.

All in Favor. Motion carries.

**17. Motion to approve Resolution #13-2023 (Application for a Washington County Tourism Grant to replace the Borough's electronic sign).**

Mrs. Bails made a motion to approve Resolution #13-2023 (Application for a Washington County Tourism Grant to replace the Borough's electronic sign). Seconded by Mr. Yorke. No questions on this motion.

**Roll Call:**

Mr. Yorke - Yes

Mr. Lawrence - Yes

Mr. Bell - Yes

Mrs. Bails – Yes

Mr. Severine – Yes

Mr. Russo – Yes

Mr. Chandler - Yes

7 Yes, 0 No, 0 Absent. All in Favor. Motion carries.

**18. Motion to approve a grant match of \$7,737.50 to replace the Borough's electronic sign.**

Mr. Bell made a motion to approve a grant match of \$7,737.50 to replace the Borough's electronic sign. Seconded by Mrs. Bails. No questions on this motion.

**Roll Call:**

Mr. Severine - Yes

Mr. Russo - Yes

Mr. Yorke - Yes

Mr. Lawrence – Yes

Mrs. Bails – Yes

Mr. Bell – Yes

Mr. Chandler - Yes

7 Yes, 0 No, 0 Absent. All in Favor. Motion carries.

**19. Motion to ratify Collective Bargaining Agreement by and between Teamsters Local Union representing the Borough Streets Department and the Borough of Canonsburg with effective dates January 1, 2024, through December 31, 2026.**

Mr. Lawrence made a motion to ratify Collective Bargaining Agreement by and between Teamsters Local Union representing the Borough Streets Department and the Borough of Canonsburg with effective dates January 1, 2024, through December 31, 2026. Seconded by Mr. Bell.

No questions on this motion.

**Roll Call:**

Mrs. Bails - Yes

Mr. Yorke - Yes

Mr. Severine - Yes

Mr. Russo – Yes

Mr. Bell – Yes

Mr. Lawrence – Yes

Mr. Chandler - Yes

7 Yes, 0 No, 0 Absent. All in Favor. Motion carries.

**20. Motion to ratify Collective Bargaining Agreement by and between Teamsters Local Union representing the Clerical Employees and the Borough of Canonsburg with effective dates January 1, 2024, through December 31, 2027.**

Mr. Bell made a motion to ratify Collective Bargaining Agreement by and between Teamsters Local Union representing the Clerical Employees and the Borough of Canonsburg with effective dates January 1, 2024, through December 31, 2027. Seconded by Mrs. Bails.

No questions on this motion.

**Roll Call:**

Mrs. Bails - Yes

Mr. Lawrence - Yes

Mr. Bell - Yes

Mr. Yorke – Yes

Mr. Severine – Yes

Mr. Russo – Yes

Mr. Chandler - Yes

7 Yes, 0 No, 0 Absent. All in Favor. Motion carries.

**21. Motion to approve Restoration Agreement between Columbia Gas and the Borough of Canonsburg.**

Mr. Yorke made a motion to approve Restoration Agreement between Columbia Gas and the Borough of Canonsburg. Seconded by Mr. Lawrence.

No questions on this motion.

All in Favor. Motion carries.

**UNFINISHED BUSINESS:**

1. Falconi Field Lease
  - a. Steve Moskal to get additional information
2. Resolution adopting Asset Purchase Agreement (tabled 30 days)
3. Ordinance adopting Bill of Sale and 2<sup>nd</sup> Addendum to Operating Agreement (tabled 30 days)
  - a. Get references from Scott Shearer
  - b. Workshop – November 20, 2023, 6:30 PM
4. Ordinance #1379 (street opening amendment)
  - a. Joe still working on with Columbia Gas
5. Sale of property in Cecil Twp.
6. CDBG (Haven't finished surveying)
7. Zoning Permit(s) for off-street parking
  - a. Waive fee for permit **ONLY**
  - b. If a variance is needed, the fee for applying to the zoning hearing board is applicable

**NEW BUSINESS:**

1. New lights for baseball association



**EXECUTIVE SESSION:**

**ADJOURNMENT:**

Motion by Mr. Yorke to adjourn the meeting at 8:43 PM. Seconded by Mrs. Bails.

All in favor.

Meeting adjourned at 8:43 PM.

Submitted by:

Melissa Graff