

**MINUTES**  
**BROOKVILLE BOROUGH COUNCIL MEETING**  
**Tuesday December 6, 2022 @ 7:00 P.M.**

The Brookville Borough Council met in the large conference room on Tuesday, December 6, 2022 at 7:00 P.M. with the following in attendance:

<b><u>COUNCIL MEMBERS</u></b>	<b><u>STAFF</u></b>	<b><u>VISITOR/MEDIA</u></b>
Mayor Richard Beck	Manager Dana Rooney	Justin Felgar
Phil Hynes	Police Chief Vince Markle	Alex Nelson
Karen Allgeier	Fire Chief Chris Henry	Sally Allgeier
Randy Bartley	President of the Brookville	Bob Lewis
Todd Gumphier	Volunteer Fire Company -	
David Taylor	Eric Sweitzer	
Lucy Ames	Public Works Director -	
Sarah Gallagher	Jonathan Rhoades	
	Code Enforcement Officer –	
	Vince Markle	

**CALL TO ORDER:**

President Phil Hynes called the meeting to order at 7:00 P.M., and led the group in the Pledge of Allegiance to the American Flag.

**CORRECTIONS/APPROVAL OF MINUTES:**

President Phil Hynes stated we will begin with the correction and approval of the minutes of our November 1<sup>st</sup> meeting. President Phil Hynes asked if there were any corrections, and there were none. Vice-President Karen Allgeier moved to approve the minutes of the November 1<sup>st</sup> meeting as submitted; seconded by Member David Taylor. Motion carried 7-0.

**FINANCIAL REPORTS:**

- A. Approval of Expenditures** – The current bills were presented for approval. President Phil Hynes asked if there were any additions or questions. Manager Dana Rooney stated she had three additions; \$1,195.00 payable to General Code for annual maintenance, \$629.99 payable to Clarion Computer for a one-year subscription for our server backup, and \$2,460.00 payable to J’s Custom Cleaning for December’s cleaning of the building. Vice-President Karen Allgeier moved to approve the accounts payable as submitted with those additions; seconded by Member Sarah Gallagher. Motion carried 7-0.
- B. Fund Level Financial Statements** – President Phil Hynes stated you have the Fund Level Financial Statement Summary, and if you have questions, we are here to answer them.

**PUBLIC COMMENT:** None

## **REPORTS:**

### **Chief of Police**

- A. Statistics** – Police Chief Vince Markle stated in November the Brookville Police Department had 136 calls for service, wrote 255 citations, 171 warnings, and 150 parking tickets. Police Chief Vince Markle stated there were 4 felonies, 24 misdemeanors, 5 drug arrests, 5 summaries, and 1 302 committal.
- B. Veterans Day Parade** – Police Chief Vince Markle thanked Public Works Director Jonathan Rhoades and the Street Department for doing a great job getting things ready for the Veterans Day parade.

**Fire Chief** – Fire Chief Chris Henry read his written report (attached).

**Public Works** - Public Works Director Jonathan Rhoades stated Allegheny Contracting should be done in two weeks up on Caldwell Street and Oak Street. Public Works Director Jonathan Rhoades stated Terra Works is all finished up with their water line, and they will be coming back in the spring to do the top coat on the asphalt. Public Works Director Jonathan Rhoades stated his crew is all geared up for snow removal.

**Code Enforcement** – Code Enforcement Officer Vince Markle read his written report (attached).

### **Committee Reports**

#### **A. Finance Committee**

- 1. 2023 Budgets – Resolution 593-22** – Finance Committee Chair Karen Allgeier stated the 2023 budget was put out for public review, and there was no tax increase on any of our funds. Finance Committee Chair Karen Allgeier stated at this time, she would like to propose that we approve Resolution 593-22, which would establish the tax rates for the 2023 calendar year. President Phil Hynes stated since this motion is coming from committee, it does not need a second. President Phil Hynes asked all Council Members in favor of this motion coming from committee to say ‘aye’. Motion carried 7-0.

#### **B. Property Committee**

- 1. Concession Stand Building** – Property Committee Chair Sarah Gallagher stated she met with Public Works Director Jonathan Rhoades and checked out the concession stand building the History Center is requesting use of. Property Committee Chair Sarah Gallagher stated the committee had a discussion, and we are o.k. with the use of that building. Property Committee Chair Sarah Gallagher stated it is set up well for that, so if they will be using it for community events, we are happy to lend that out. Second Vice-President asked if that was the building by the church, and Property Committee Chair Sarah Gallagher stated yes. After some discussion, Property Committee Chair Sarah Gallagher made a motion coming from committee to approve the use of the concession stand building by the History Center pending the review of Solicitor Jim

Dennison. President Phil Hynes stated since this motion is coming from committee, no second is needed. President Phil Hynes asked all Council Members in favor of this motion coming from committee to say 'aye'. Motion carried 7-0.

**Solicitor** – President Phil Hynes stated Solicitor Jim Dennison is not here tonight, so Manager Dana Rooney will give his report.

- A. Depot Street Agreement** – Manager Dana Rooney stated it is her understanding that all of Council has not seen the Depot Street Agreement yet, is that correct? Council Members in general communicated that was correct. Manager Dana Rooney stated she has a copy of it, and she will send it out for everybody to review for our January meeting. Manager Dana Rooney stated it is her understanding that Redbank Valley has approved that, so it is just up to the Borough. President Phil Hynes stated it has been signed by Redbank Valley, notarized, and it is just waiting for review and approval by Council.
- B. Ordinance 1111-2023 Taxes** – Manager Dana Rooney stated Ordinance 1111, which is for the 2023 taxes, as we just discussed with the resolution, there was no tax increase, and that ordinance was properly advertised, so if everybody is o.k. with that, we would need a formal motion. Second Vice-President Randy Bartley made a motion to approve Ordinance 1111 for the 2023 taxes; seconded by Vice-President Karen Allgeier. Motion carried 7-0.
- C. Code Enforcement Legal Fees** – Manager Dana Rooney stated next is code enforcement legal fees, and she is going to look to Police Chief Vince Markle for this one. Manager Dana Rooney stated she is not sure how much we want to discuss this without Solicitor Jim Dennison. Manager Dana Rooney stated what this boils down to is, with all the hearings you keep hearing about with our same resident, and for the same properties in town. Manager Dana Rooney stated it was for the criminal complaint that went in front of Greg Bazylak, and he was found guilty. Manager Dana Rooney stated what it boils down to is, nobody wants to press formal charges, so they are saying they are bringing it back to the Borough, and the Borough can act on their behalf. Manager Dana Rooney so from what she understands, the powers that be can grant power to somebody else, and Steve French, who represented the Borough thus far on these particular hearings because of a conflict of interest that Solicitor Jim Dennison had, is willing to take on those powers and prosecute, if the Borough pleases. Manager Dana Rooney stated it is labelled code enforcement legal fees because at that point in time, you would be paying Steve French for his legal services, where anytime it is going in front of Bazylak, Burkett, or Foradora, unless Steve French is there representing the Borough, there is no legal fee to show up for those. Manager Dana Rooney stated she and Vince Markle attend, mostly Vince Markle attends, and that is it. Manager Dana Rooney stated if we choose to have Steve French take on pressing charges, you would have the fees that Steve French would charge being an attorney. After some discussion, Vice-President Karen Allgeier made a motion to approve the legal fees incurred through Steve French as

presented; seconded by Second Vice-President Randy Bartley. Motion carried 7-0.

## **Borough Manager**

### **A. Boards and Commissions – Members/Terms (Including Brookville Municipal Authority (BMA))**

#### **1. Brookville Municipal Authority Board**

a. **Roger Shaw** - Manager Dana Rooney stated Roger Shaw's five-year term is up, and the Municipal Authority Board has made the recommendation to Council to reappoint Roger Shaw for a five-year term. Vice-President Karen Allgeier made a motion to reappoint Roger Shaw for a five-year term on the Brookville Municipal Authority Board; seconded by Member David Taylor. Motion carried 7-0.

b. **Sam McKinley** – Manager Dana Rooney stated with regret, the Brookville Municipal Authority Board has accepted the resignation of Sam McKinley, and would like to bring the name of Bruce Pierson to replace him, and fill his term. Manager Dana Rooney stated Sam McKinley's term is good through 2025, so the Brookville Municipal Authority Board is making the recommendation to fill Sam McKinley's term through 2025. Vice-President Karen Allgeier made a motion to appoint Bruce Pierson to fill Sam McKinley's term which would be through December 31, 2025; seconded by Second Vice-President Randy Bartley. Motion carried 7-0.

2. **Planning Commission** – Manager Dana Rooney stated next is the Brookville Planning Commission. Manager Dana Rooney stated currently David Taylor is the Chairman and his term is up. Manager Dana Rooney stated the motion would be to reappoint David Taylor to a five-year term. Vice-President Karen Allgeier made a motion to reappoint David Taylor to a five-year term on the Planning Commission; seconded by Member Lucy Ames. Motion carried 7-0.

3. **Zoning Hearing Board** – Manager Dana Rooney stated Judi Anthony's five-year term is up on the Zoning Hearing Board. Manager Dana Rooney stated the motion would be to reappoint Judi Anthony for a five-year term on the Zoning Hearing Board. Vice-President Karen Allgeier made a motion to reappoint Judi Anthony to a five-year term on the Zoning Hearing Board; seconded by Lucy Ames. Motion carried 7-0.

4. **Code Enforcement Appeal Board** – Manager Dana Rooney stated next is the Code Enforcement Appeal Board. Manager Dana Rooney stated Lucy Ames is up for reappointment to a five-year term. Vice-President Karen Allgeier made a motion to reappoint Lucy Ames to a five-year term on the Code Enforcement Appeal Board; seconded by Member David Taylor. Motion carried 7-0.

5. **Shade Tree Commission** – Manager Dana Rooney stated John Brundage is up for reappointment to a five-year term on the Shade Tree Commission. After some discussion, Vice-President Karen Allgeier made

a motion to reappoint John Brundege to a five-year term on the Shade Tree Commission; seconded by Member David Taylor. Motion carried 7-0.

6. **Council Vacancy Board** – Manager Dana Rooney stated the Council Vacancy Board is a single position board, and Judi Anthony has held that position for years. Manager Dana Rooney stated it is a one-year term, and Judi Anthony is interested in being reappointed for another year's term. Second Vice-President Randy Bartley made a motion to reappoint Judi Anthony to another one-year term on the Council Vacancy Board; seconded by Vice-President Karen Allgeier. Motion carried 7-0.

- B. **Resolution 588-22 – Jefferson County Tax Collection Committee (JCTCC) Operating Budget** – Manager Dana Rooney stated Resolution 588-22 is for approving the JCTCC operating budget for the year, which is a balanced budget in the amount of six thousand dollars. Vice-President Karen Allgeier made a motion to approve Resolution 588-22 as presented; seconded by Member David Taylor. Motion carried 7-0.

- C. **Resolution 589-22 – Jefferson County Tax Collection Committee (JCTCC) Voting Delegate Appointment** – Manager Dana Rooney stated Resolution 589-22 is to set our Jefferson County Tax Collection Committee Voting Delegates for the 2023 year. Manager Dana Rooney stated she is the primary delegate, the first alternate is Bonnie Parrett, and the second alternate is Kerry Swineford. Vice-President Karen Allgeier made a motion to approve Resolution 589-22 as presented; seconded by Member Lucy Ames. Motion carried 7-0.

- D. **Resolution 590-22 – Comcast Agreement** – Manager Dana Rooney stated prior to this meeting, we had a public meeting to discuss our Comcast agreement. Manager Dana Rooney stated we had hired the attorneys Cohen Law Firm who specialize in communication agreements. Manager Dana Rooney stated they settled an agreement for us with Comcast, who we currently have an agreement with, so we worked out some good terms to continue that agreement. Manager Dana Rooney stated for that we would need to pass Resolution 590-22. Vice-President Karen Allgeier made a motion to approve Resolution 590-22 as presented; seconded by Member Lucy Ames. Motion carried 7-0.

- E. **Resolution 591-22 - Auditor for 2022 Accounts** – Manager Dana Rooney stated we have Resolution 591-22 appointing auditors for the 2022 accounts. Manager Dana Rooney stated in the past, we have always used Troxell and Associates out of DuBois, Pennsylvania. Manager Dana Rooney stated we are looking for a motion to approve Troxell and Associates as our auditors for the 2022 books. Vice-President Karen Allgeier made a motion to approve Resolution 591-22 approving Troxell and Associates as our auditors for the 2022 books; seconded by Second Vice-President Randy Bartley. Motion carried 7-0.

- F. **Resolution 592-22 – Tax Collector Fees** – Manager Dana Rooney stated if you follow along with the school district, you know that they recently passed a resolution directing their tax collectors to waive additional charges for the real

estate taxes when criteria is met. Manager Dana Rooney stated this is arising from Act 57 that was passed. Manager Dana Rooney stated we have to enact a resolution in order to make this go through. Second Vice-President Randy Bartley asked what the criteria are. Tax Collector Sally Allgeier stated if a person buys a property, and she is not notified, and she sends the tax bill to the old owner, and the new owner did not get a tax bill, the new owner can fill out an affidavit stating they never got the tax bill, and they do not want to pay the penalty. Vice-President Karen Allgeier stated so it is just waiving the penalty. Tax Collector Sally Allgeier stated yes. Vice-President Karen Allgeier made a motion to approve Resolution 592-22 as presented; seconded by Second Vice-President Randy Bartley. Motion carried 7-0.

- G. Resolution 594-22 – Valley Street Stormwater Grant** – Manager Dana Rooney stated for these next two items, grant funding came available through the COVID-19 American Rescue Plan Act (ARPA) Pennsylvania Small Water and Sewer, and we have two different grants that we would like to submit. Manager Dana Rooney stated the first is for the Valley Street Stormwater Grant. Manager Dana Rooney stated we have a squeezing point on Valley Street, where during heavy rain flows, the water comes out and breaches the edges of its storm drain, and comes all the way out onto Valley Street. Manager Dana Rooney stated the grant portion is \$267,325.00 which would require a match from the Borough of \$47,175.00 for a total project cost of \$314,500.00. Second Vice-President Randy Bartley made a motion to approve Resolution 594-22 as presented; seconded by Vice-President Karen Allgeier. Motion carried 7-0.

- H. Resolution 595-22 – Diamond Alley and Barnett Street Stormwater Grant** – Manager Dana Rooney stated Diamond Alley and Barnett Street is the same grant application, so we would just have different cost figures. Manager Dana Rooney stated what we are looking to do is run a line through the storm lines that already exist, and secure it in place to fix the storm drain that is already there. Manager Dana Rooney stated the grant portion is \$222,700.00 with a Borough match of \$39,300.00. Manager Dana Rooney stated the total project cost is \$262,000.00. Member David Taylor made a motion to approve Resolution 595-22 as presented; seconded by Vice-President Karen Allgeier. Motion carried 7-0.

- I. Repository Bids** – Manager Dana Rooney stated we have a repository bid this evening for 129 Crestwood Circle in the amount of twenty-five dollars. Vice-President Karen Allgeier made a motion to approve the repository bid for 129 Crestwood Circle in the amount of twenty-five dollars; seconded by Second Vice-President Randy Bartley. Motion carried 7-0.

- J. Master Site Plan Public Meetings** – Manager Dana Rooney stated next are the master site plan public meetings, which will be open house style. Manager Dana Rooney stated the meeting for Longview Park is being held on December 12<sup>th</sup> from 5:00 P.M. to 7:00 P.M. at the Heritage House, and the one for the Main Street Streetscape will be on December 13<sup>th</sup> from 5:00 P.M. to 7:00 P.M. at the Heritage House.

- K. Volunteer Fire Tax Relief** – Manager Dana Rooney stated next is volunteer fire tax relief. Manager Dana Rooney stated Act 172 that was passed in 2016 established incentives for municipal volunteers of fire companies and nonprofit emergency medical service agencies by providing municipalities with the option to offer a real estate or earned income tax credit to active members of volunteer fire companies and nonprofit emergency medical service agencies through a volunteer service credit program. Manager Dana Rooney stated Act 91 of 2020 expanded the tax relief incentive to counties and school districts. Manager Dana Rooney stated the municipalities may implement an ordinance or resolution for the earned income tax credit real estate tax credit, or both. Manager Dana Rooney stated each municipality will establish the ordinance or resolution guidelines to include, at a minimum, the criteria for eligibility, total amount of tax credit, and an appeal process. Manager Dana Rooney stated she wants to open this up for discussion, and asked if this is anything that Council is interested in pursuing for our lovely volunteers? After some discussion, Council Members in general agreed to have Manager Dana Rooney run some numbers regarding this, and come back to Council with that information.
- L. Executive Session – Personnel** – Manager Dana Rooney requested an executive session for a personnel matter with action expected. President Phil Hynes stated we will have the executive session at the end of the meeting.

#### **UNFINISHED BUSINESS:**

**A. Planning Commission Update**

- 1. Deer Run Subdivision** – Planning Commission Chairman David Taylor stated the Planning Commission looked at the Deer Run Subdivision, which has come back after like thirty years. Planning Commission Chairman David Taylor stated Paul Pysh, who is the owner, came to the Planning Commission with a set of plans that were sent to our engineer, who responded with a letter which said they had some problems with it in terms of current ordinance. Planning Commission Chairman David Taylor stated Paul Pysh will wait, and possibly talk to another engineer to redo the subdivision plan. Planning Commission Chairman David Taylor stated we have no action to take on that. Second Vice-President Randy Bartley stated he was looking at putting housing up over the hill across from the school, and Planning Commission Chairman David Taylor stated yes, and we all know we desperately need lots for new housing in the Borough. Planning Commission Chairman David Taylor stated we just want to do it right this time. Second Vice-President Randy Bartley asked was the engineer opposed? Planning Commission Chairman David Taylor stated the engineer said there were elements of the plan that did not meet our subdivision ordinance. Manager Dana Rooney stated the plans were too old – they were fourteen years old.
- 2. Rick Cook/Brookville Volunteer Fire Company Subdivision** – Planning Commission Chairman David Taylor stated the commission also looked at a subdivision plan that was submitted by Rick Cook. Planning

Commission Chairman David Taylor stated the property that he owns across from the new firehall, if you will visualize, there is a sheltered garage area there with a roof on. Planning Commission Chairman David Taylor stated the subdivision would call for that to be partitioned off, so he can transfer it to the Brookville Volunteer Fire Company for parking. Planning Commission Chairman David Taylor stated the commission approved that, and is recommending that to Council. Vice-President Karen Allgeier made a motion approving the Rick Cook subdivision as presented; seconded by Member Sarah Gallagher. Motion carried 7-0.

- B. Gary Hoffman/Trees on Waterford Pike** – Mayor Richard Beck stated Gary Hoffman gave him a call, said he could not make it to the meeting tonight, and wanted to know if Council had decided anything about those trees on Waterford Pike that was brought up at a previous meeting. Vice-President Karen Allgeier stated two trees over in the property next to him have already come down. Manager Dana Rooney stated we are waiting for Solicitor Jim Dennison to look at the deed.
- C. Ordinance for Grass and Leaves on Streets** – Mayor Richard Beck stated he had brought up the problem of grass being blown out onto the street, and he thinks leaves should be included with that too. Mayor Richard Beck stated he thinks we need an ordinance for that, because the leaves come down and plug the drains. Mayor Richard Beck stated if grass on the street gets wet, people on bikes and motorcycles could wreck, and it would not be hard to find out who owned any of those properties either to ticket them. After some discussion, President Phil Hynes stated we will turn this over to Solicitor Jim Dennison.

#### **NEW BUSINESS:**

- A. Plaque for Northside Park** – Member David Taylor stated this is coming from the Hall of Fame Committee at the Brookville Area High School. Member David Taylor stated the last class of Hall of Famers included Andy Hastings, who was an athlete who graduated from Brookville Area High School in 1912, and went on to Pitt. Member David Taylor stated he was an incredible athlete star and set records. Member David Taylor stated then he went to World War I, and came back and finished Pitt. Member David Taylor stated he went to work for a steel company in Pittsburgh, and died in 1930. Member David Taylor stated Andy Hastings was an incredible athlete, and the old gymnasium at the high school was called the Andy Hastings Gymnasium in his honor, and when it was torn down, that was the end of it. Member David Taylor stated the high school Hall of Fame Committee, using their own money, would like to have a plaque installed somewhere around the location of the old gym, similar to the plaques we have on Main Street. Member David Taylor stated he thinks the only thing the Borough would be asked for, other than getting Council's approval, would be maybe to have Public Works Director Jonathan Rhoades' crew install it. Second Vice-President Randy Bartley asked Public Works Director Jonathan Rhoades if that would be a problem for him maintenance-wise, and Public Works



Director Jonathan Rhoades stated no. After some discussion, Member David Taylor made a motion that Council approve the concept of installing a plaque at Northside Park in honor of Andy Hastings, to be determined in terms of the location; seconded by Member Lucy Ames. Motion carried 7-0.

#### **MEDIA COMMENTS/QUESTIONS/CLARIFICATION:**

- A. **Reporter Justin Felgar – New Police Officer** – Reporter Justin Felgar asked Police Chief Vince Markle if the spelling of the name of his new officer was K-y-l-e and Z-e-n-t-s. Police Chief Vince Markle stated yes.

#### **EXECUTIVE SESSION:**

Brookville Borough Council entered an executive session at 7:50 P.M. to discuss a personnel matter with action expected. Executive session ended at 7:56 P.M. with the following action taken:

- A. **Resignation of Equipment Operator** - Personnel Committee Chair Lucy Ames made a motion coming from committee to accept the resignation of our equipment operator, Corey Dechant. President Phil Hynes stated since this motion is coming from committee, no second is needed. President Phil Hynes asked all Council Members in favor of this motion coming from committee to say ‘aye’. Motion carried 7-0.
- B. **Advertise for a New Equipment Operator** – Member David Taylor made motion to advertise for a new equipment operator; seconded by Member Todd Gumphier. Motion carried 7-0.

#### **ELECTED OFFICIAL COMMENTS:**

- A. **Mayor Richard Beck** – Mayor Richard Beck stated he thinks we had a very interesting meeting tonight, to say the least. Mayor Richard Beck stated he likes what everybody’s comments were, I mean, if you have something to say about it, say it.
- B. **Member Sarah Gallagher** – Member Sarah Gallagher thanked the Holiday Association for a wonderful and fun Friday. Member Sarah Gallagher stated that is such a great event. Member Sarah Gallagher stated we thank you for taking that over again. Vice-President Karen Allgeier stated you are welcome, and we had fun. Member Sarah Gallagher thanked Council Members for all their help in guiding her, especially Manager Dana Rooney.
- C. **Member David Taylor** – Member David Taylor stated Merry Christmas to all, and to all a good night.
- D. **Member Lucy Ames** – Member Lucy Ames wished everyone a Merry Christmas, and stated she hopes everyone has a safe and happy holiday. Member Lucy Ames stated it has been a pleasure to work with all of you this past year, and she is looking forward to the coming year.
- E. **Member Todd Gumphier** – Member Todd Gumphier stated he is going to echo everyone else, and wished everyone a Merry Christmas and a Happy New Year. Member Todd Gumphier stated he hopes everyone has a safe holiday.

- F. Second Vice-President Randy Bartley** – Second Vice-President Randy Bartley wished everyone a Merry Christmas and Happy Hanukkah.
- G. Vice-President Karen Allgeier** - Vice-President Karen Allgeier thanked everyone who came out for the Brookville Holiday Association Kickoff the Holiday Season Celebration. Vice-President Karen Allgeier stated we had the most people there that we have ever had. Vice-President Karen Allgeier stated we established Christmas Tree Lane again, and three hundred and twenty-five people were there on opening night, and we are up to about four hundred and twenty people now. Vice-President Karen Allgeier stated three preschools are coming this week to look at the trees. Vice-President Karen Allgeier stated she wants to thank everyone in town, as well as Members of Council who were running around with their children having a good time at the History Center on Main Street. Vice-President Karen Allgeier stated she wants to give a big thank you to the Alliance Church for loaning them their stage. Vice-President Karen Allgeier stated she wishes everyone a Merry Christmas and a Happy New Year.
- H. President Phil Hynes** - President Phil Hynes stated he enjoyed the holiday celebration too, and his grandson was in from Wyoming. President Phil Hynes stated it was his grandson's first time here for that, and he was very impressed. President Phil Hynes stated he wants to thank Council for getting us through another year. President Phil Hynes wished a Merry Christmas and happy holidays to everyone.

**ADJOURNMENT:**

Vice-President Karen Allgeier moved to adjourn; seconded by Member Sarah Gallagher.  
Motion carried 7-0 at 8:02 P.M.

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Borough Manager