

**BOROUGH OF GREEN TREE  
COUNCIL MEETING  
AUGUST 7, 2023**

**Call to Order / Moment of Silence / Pledge of Allegiance**

Green Tree Borough Council met on Monday, August 7, 2023 at 7:30 pm in the Sycamore Room of the Green Tree Municipal Center, 10 West Manilla Avenue, Pittsburgh, PA 15220. Mr. Tintori noted that Council had met in Executive Session prior to this meeting to discuss personnel matters.

**ROLL CALL**

**Members Present:**

Edward Schenck, Mayor  
Arthur Tintori, President  
Shannon Barron  
Rino Lindsey  
Ron Panza  
David Rea  
Craig Romanovich  
James Turocy

**Also Present:**

Judy Miller, Borough Manager  
Kate Diersen, Esq., Borough Solicitor  
Kim Beck, Stenographer

**APPROVAL OF THE MINUTES**

**July 3, 2023**

**Motion:**

**Mr. Lindsey made a motion, seconded by Ms. Barron, to approve the July 3, 2023 minutes as presented.**

**Motion carried 5-0-2 with abstentions from Mr. Rea and Mr. Turocy as they had not attended this meeting.**

Before the Hearing of the Citizens, Mr. Tintori made the following statement:

*“At a Council meeting earlier this year during a discussion about the provision of services by a resident to the Borough, part of my comments on the matter were interpreted as an attack on a member of this community. I have been reminded of these comments over the course of the past several meetings and an apology has been requested. While it was not my intention to directly insult anyone, the consequences of my actions have been more important than my intent, and therefore an apology is definitely warranted. I hereby extend a sincere apology to the resident that was insulted by my comments. I sincerely apologize.”*

**HEARING OF THE CITIZENS**

**Cheryl Bakin – 884 Greentree Road**

Ms. Bakin made the following statement:

*“I am a resident of the Borough since 2000 and have served on the Green Tree Planning Commission since 2009, a total of 14 years. I was part of the committee that wrote the first Green Tree Comprehensive Plan and now chair the Planning Commission that is revising the Comprehensive Plan. I was an integral part of the tedious, long over-due review and re-write of the Zoning Code ordinances, which was finally approved by Council in June of 2020. I give you this history because when the Planning Commission revised the Zoning ordinances, we knew that we could not provide for every possible eventuality that might happen within the Borough. Our recommendations were passed by the*

*Planning Commission in 2016 and it took almost four years for Borough Council to review and approve them. Those ordinances that we wrote in 2016 are now seven years old, and we have found certain things that need to be updated and revised. A lot has happened in the last seven years including COVID, which has changed all of our lives; including new industries and new things that have come to be a part of our life. However, the Planning Commission tried its very, very best to provide a sturdy framework to deal with changes.*

*I'm speaking tonight about the SJ Smokes, Vape, and More shop that was granted an occupancy permit sometime in late June of 2023 without any review by the Planning Commission or recommendations made by the Planning Commission to Borough Council. This space is on Noblestown Road in the shopping center that used to be occupied by the Suburban Dry Cleaners. The dry cleaner operated under the Conditional Use variance. When the dry cleaner closed, that variance went away. The vape shop is operating in a Neighborhood Commercial district as you can see in Section 420-122 of the Zoning code. The vape shop was not listed as an approved retail use or permitted use under any part of the Zoning code in 2016, up to 2020 when you passed the code. Please check sections 420-7, 420-166, and 420-170 of the code.*

*Further, while the sign on the door states that sales are not permitted to anyone under 21, there are no signs inside the store that show any type of sales tax license, e-cigarette license, or tobacco license on display in this business. Checking state and federal law, we found that the business is required to register with ATF – the cost to register is \$25 – and they must register for the state sales tax license and report sales on a monthly basis to the state. They cannot sell product unless the license is obtained first. They are clearly selling product daily since they were granted an occupancy permit in our Borough. We have also checked at the BP gas station here on Greentree Road, Beer, Lime, and Sunshine on Greentree Road, and the Marathon gas station on Greentree Road. All appear to have the proper sales tax licenses and e-cigarette licenses required by the state. SJ Smokes is not operating legally as far as we can find. We have checked under both the owner's name and the name of the business extensively and can find no licenses applied for.*

*This get even more serious in my mind personally because the state of Pennsylvania legislature is gearing up to approve sales of marijuana in our state and in our community. So now we will have e-vape cigarettes, which have, you know, Juicy Fruit is one of the flavors we saw, and slice of lime, and other kinds of things to entice kids. And now you are going to sell marijuana to the public. Our Zoning code does not have any place right now to put a marijuana distribution facility. Do we want both e-vape cigarettes and marijuana for sale in our Neighborhood Business district? Or is this an issue that Planning Commission needs to address to find a more appropriate place that these folks could potentially operate?*

*And finally, what, if anything, can be done to stop this kind of granting of an occupancy permit and glossing over our code from happening again? And second, what can be done toward SJ Smokes in terms of compliance with state, federal, and local laws? Thank you."*

### **Lance DeWeese – 1131 Greentree Road**

1. Mr. DeWeese asked for an update regarding the FIOS work that has been happening along Greentree Road. He said that the sidewalks are painted over, and a lot of front yards have been torn up during the process. Ms. Miller stated that there have recently been two new line breaks which have taken up a lot of staff time to manage the necessary repairs and documentation. She said that she believes the work should slowly be coming to an end. The Borough's Building Code Officer has developed a list of properties that were affected by the project and will be updating that list to note which properties are still in need of restoration. All this information will be sent to the company performing the work along with a bill for reimbursement for the damage caused. Ms. Miller said that this company has been cooperating with the Borough.

Mr. Rea asked for clarification on the portion of sidewalk along Greentree Road between Greenboro Lane and Oriole Drive that is labeled "trouble". Ms. Miller stated that when the company completing the work along Greentree Road was boring, they had accidentally bored through the lateral for Ace Hardware. An excavation company was called, and it was revealed that damage was done to the line. She said she believes that the sidewalk was marked to alert the excavation company of where they would need to dig.

2. Mr. DeWeese stated that deer have been becoming more of an issue throughout the Borough. Other communities, including Mt. Lebanon and Upper St. Clair, have been proactive in culling the deer population, and perhaps this is something the Borough should consider.

Mr. Panza said that the Borough hired a company to perform controlled archery in the Borough 20 years ago and a lot of residents were upset. Along with the upset residents, Greenpeace International got involved and the Borough was inundated with emails. He said that since then, he believes residents' views have changed regarding the deer population. Mr. Panza said that planting certain shrubbery could possibly deter the deer population. Mr. DeWeese voiced his concerns about deer-resistant shrubs taking away from the native shrubs that should be growing in this area.

Ms. Miller stated that she had been researching the deer population in neighboring communities. She said that it does not appear that any of the adjacent communities have been doing anything to control the population. Ms. Miller said that there could be some potential issues with Green Tree being so compact, but that the Borough should consider its options. Council continued to discuss the issues with the growing deer population.

#### **Jessica Swiech – 1186 Hillcrest Avenue**

1. Ms. Swiech stated that she would like the Borough to consider approving an ordinance that would limit the number of smoke shops allowed in the Borough. She said that she does not believe it looks appealing to have multiple smoke shop businesses within borough limits. Ms. Swiech said that she understands that there are age limitations for purchasing these products, but she would like the children in the community to have as little access to these businesses as possible.

#### **NEW BUSINESS**

##### **A. Finance and General Policy – Mr. Turocy**

###### **1. Motion:**

**Mr. Turocy made a motion, seconded by Mr. Lindsey, to ratify the actions of the Borough Manager in paying the July 2023 invoices from the General Fund totaling \$73,416.64; Farmers Market totaling \$1,537.50; Payroll Account totaling \$293,398.52; and Credit Card June totaling \$5,478.81.**

Mr. Rea asked why it was necessary for the Borough to cash facility rental security deposits and not just hold on to them until after the event was over. Ms. Miller stated that she would prefer for the Borough to hold the checks and would look into what options the Borough may have.

Mr. Rea asked for clarification on a line item for a pool heater. Ms. Miller stated that the amount was for repairs, not a replacement.

**Motion carried unanimously.**

###### **2. Motion:**

**Mr. Turocy made a motion, seconded by Ms. Barron, to approve payment of the August 2023 invoiced from the General Fund totaling \$130,288.68; Storm Sewer totaling \$7,824.83; Sanitary Sewer Maintenance Fund totaling \$446,200.56; Capital Projects totaling \$1,392.26; and Bond Fund totaling \$1,830.43.**

Mr. Romanovich asked if the June 23 bill from the Borough engineer was for the Greentree Road fiber optic work, and if the Borough would be reimbursed for these costs. Ms. Miller stated that the Borough would be reimbursed.

Motion carried unanimously.

3. **Ordinance #1886**  
**Setting Salary and Benefits for Judy Miller as Borough Manager**

**Motion:**

Mr. Turocy made a motion, seconded by Mr. Romanovich, to pass Ordinance #1886, setting salary and benefits for Judy Miller as Borough Manager.

Mr. Lindsey noted that Ms. Miller's new salary would be backdated to January 1, 2023.

**Roll Call Vote:**

Mr. Turocy	Yes
Ms. Barron	Yes
Mr. Lindsey	Yes
Mr. Panza	Yes
Mr. Rea	Yes
Mr. Romanovich	Yes
Mr. Tintori	Yes

Motion carried unanimously.

4. **Resolution #1329**  
**Option to be Included with CDBG and Home Programs**

**Motion:**

Mr. Turocy made a motion, seconded by Mr. Romanovich, to adopt Resolution #1329, to be included in the Allegheny County Community Development Block Grant and Home Investment Partnerships Programs for three program years – 2024, 2025, and 2026, as recommended by the County of Allegheny letter dated July 18, 2023.

**Roll Call Vote:**

Mr. Turocy	Yes
Ms. Barron	Yes
Mr. Lindsey	Yes
Mr. Panza	Yes
Mr. Rea	Yes
Mr. Romanovich	Yes
Mr. Tintori	Yes

Motion carried unanimously,

B. **Infrastructure – Mr. Romanovich**

1. **Resolution #1330**  
**Commonwealth Financing Authority Multimodal Transportation Fund**

**Motion:**

Mr. Romanovich made a motion, seconded by Mr. Turocy, to adopt Resolution #1330, authorizing the Borough Manager to execute all documents and agreements with the Commonwealth Financing Authority to obtain a grant under the Multimodal Transportation Fund for the Greentree Road Sidewalk Rehabilitation – Phase II Project.

**Roll Call Vote:**

<b>Mr. Romanovich</b>	<b>Yes</b>
<b>Mr. Turocy</b>	<b>Yes</b>
<b>Ms. Barron</b>	<b>Yes</b>
<b>Mr. Lindsey</b>	<b>Yes</b>
<b>Mr. Panza</b>	<b>Yes</b>
<b>Mr. Rea</b>	<b>Yes</b>
<b>Mr. Tintori</b>	<b>Yes</b>

Motion carried unanimously.

**C. Planning and Zoning – Mr. Rea**

**1. Contract Award – Structure Demolition Rebid**

**Motion:**

**Mr. Rea made a motion, seconded by Ms. Barron, to award a contract to GEMM Demolition, LLC in the amount of \$32,900 for the structure demolition at 137 Poplar Street, in accordance with the Borough Engineer’s correspondence dated August 2, 2023.**

Ms. Miller stated that this project was re-bid because the first time it was sent out to bid, only one bid came in and it was for over \$60,000.

Motion carried unanimously.

**D. Public Safety/Public Safety Equipment – Mr. Lindsey**

**1. Ordinance #1887**

**Adopting Civil Service Commission Rules and Regulations**

**Motion:**

**Mr. Lindsey made a motion, seconded by Mr. Romanovich, to pass Ordinance #1887, repealing in its entirety Ordinance #1872 and the Civil Service Rules and Regulations adopted therein, restating, amending, and adopting in their entirety the Rules and Regulations of the Civil Service Commission of the Borough of Green Tree as specifically set forth in the attached Exhibit A.**

Mr. Rea asked why the Borough was omitting the right to invoke the Fifth Amendment under section 213, Subpoenas. Mr. Lindsey stated that the Civil Service Commission’s attorney had discussed this at the most recent meeting and had explained why he was removing that portion of the document. He said that he could have the attorney clarify this information with Council if needed. A copy of the minutes should be available if Council was interested in reading the full explanation.

Ms. Diersen said that she believed that for a work-related Civil Service Commission issue, the person in question would not be able to self-incriminate. She explained that this would apply to issues regarding employment hiring or termination, not criminal proceedings. Mr. Lindsey noted that a criminal investigation would not go through the Civil Service Commission. Ms. Diersen recommended that Council have the Civil Service Commission’s attorney confirm why he omitted this portion of the document. Council continued to discuss whether there might ever be an instance where an employee would need to invoke the Fifth Amendment in this context.

**Roll Call Vote:**

<b>Mr. Lindsey</b>	<b>Yes</b>
<b>Mr. Panza</b>	<b>Yes</b>
<b>Mr. Rea</b>	<b>Abstention</b>
<b>Mr. Romanovich</b>	<b>Yes</b>
<b>Mr. Turocy</b>	<b>Yes</b>
<b>Ms. Barron</b>	<b>Yes</b>
<b>Mr. Tintori</b>	<b>Yes</b>

Motion carried 6-0-1.

2. **Authorize Civil Service Commission to start the testing process for Green Tree police officer candidates.**

**Motion:**

**Mr. Lindsey made a motion, seconded by Mr. Turocy, to authorize the Civil Service Commission to start the testing process for preparation of a list of Green Tree police officer candidates.**

**Motion carried unanimously.**

**MAYOR'S REPORT**

- A. Mayor Schenck noted that tonight's meeting was not being streamed due to technical difficulties.
- B. Mayor Schenck thanked Ms. Bakin and the Planning Commission for their work on the revised Comprehensive Plan. He explained that a comprehensive plan is a general outline of where the Borough is trying to go in the future. The Planning Commission is hoping to hold a public meeting for the plan before the end of this year. It is recommended that municipalities update their comprehensive plans every ten years.
- C. Mayor Schenck stated that he anticipates that Council will refer the discussion of potential vape shops and marijuana shops to the Planning Commission for their thoughts as this is an important issue for the Borough.
- D. The Civil Service Commission is being asked for a new list of candidates to fill the vacant positions in the Green Tree Police Department. Mayor Schenck explained the ways that new officers are screened both before being hired and during their one-year probation. Once the Civil Service Commission presents a list of candidates they will be interviewed by Council.
- E. The Green Tree Police Department has cameras in their cars along with body-worn cameras. They will be working to keep the technology up to date.
- F. Mayor Schenck stated that in 2006 when the discussion about culling deer came up in Green Tree there were a lot of residents against it. Times have changed and it may be time for the Borough to consider their options to help reduce vehicle accidents and Lyme disease.
- G. Mayor Schenck stated that he thinks the Borough should consider the idea of holding security deposits rather than cashing the checks immediately.
- H. Mayor Schenck attended the Fourth of July celebration at the pool this year with his grandchildren. He thanked Ms. Jen Mathie for organizing the event.
- I. The Green Tree Farmers Market seems to be doing well this year. The weekly food trucks are drawing a good crowd.
- J. The Green Tree Fire Company hosted their annual Fireman's picnic recently which turned out well.
- K. Mayor Schenck congratulated the new Borough employee that was recently hired to fill the vacant custodial position.

**COMMITTEE CHAIR REPORTS**

**A. Finance and General Policy – Mr. Turocy**

- 1. Mr. Turocy had nothing to report at this time.

**B. Infrastructure – Mr. Romanovich**

1. The Borough is still waiting on the removal of the remaining poles of the Rook stairs.
2. The 2023 road paving program should begin within the next four to six weeks.
3. The Borough is working on the issues with the fiber optic trenching that has been transpiring throughout the Borough.
4. The Greenlawn storm line replacement has been completed.
5. Mr. Romanovich noted that today, August 7, is Purple Heart Day, honoring all those who were wounded in the defense of our democracy.
6. ALCOSAN is hosting an open house on Saturday, September 16. Mr. Romanovich invited the members of Council along with the Green Tree community to make a visit to see what is happening at the sewage plant, one of the largest capital improvement projects this side of the Mississippi. Mr. Romanovich will be working at the event.

**C. Planning and Zoning – Mr. Rea**

1. Mr. Rea asked the Borough Solicitor what recourse the Borough might have in the event that the Borough issued an occupancy permit for a property that is not an approved use. Ms. Diersen stated that she would prefer to have this discussion during an executive session because there could be legal issues on both sides.
2. Mr. Rea thanked Ms. Bakin and Ms. Swiech for their commitment to the Planning Commission and the work that the commission does for the Borough. The Planning Commission has been meeting twice a month. Mr. Rea requested that Council start meeting twice a month, with the second meeting being a workshop meeting where Council can have more of a collaborative dialogue and work on some of the issues in an open format. Mr. Tintori said that Council could discuss the possibility of scheduling a second meeting as needed.

Ms. Barron stated that she was open to the idea of having workshop meetings, when necessary, but she believes they should be reserved for discussions about specific topics and should include an agenda. Ms. Miller said that typically the purpose of a workshop meeting would be to discuss items that were about to go on the agenda or being worked on to eventually go on the agenda. An agenda for these workshop meetings would be included to keep Council on topic during the meeting. The workshop meetings could either be held on the same evening prior to the Council meeting or a different night entirely.

Ms. Barron asked if Council would need to pass an ordinance or resolution to allow them to meet for public workshop meetings. Ms. Diersen said that the meetings would need to be publicly advertised but did not require an ordinance or resolution.

**D. Public Facilities and Equipment – Ms. Barron**

1. Ms. Barron apologized for any confusion surrounding the newly installed fence around the Municipal Garden. She explained that the garden is open to the public, and the gate will always be open. The Borough has ordered signage that will clearly state that the garden is open and show where you can open the gate to enter.
2. The Public Facilities and Equipment committee will be meeting ahead of the 2024 budgeting season to map out some recommended needs and areas of high interest for all of the parks throughout the Borough. They will be discussing the need for park improvements.
3. The Green Tree Public Library Director has been working with the Historical Society to map out a plan for support and continued success of the Historical Society. Ms. Barron explained that the Historical Society is run completely by volunteers, and the intake of materials has been a lot for them. The Library Director has been working with the Historical Society to map out a plan so that the Historical Society can not only continue to do their work, but also grow. This plan has been sent

to the Borough Manager for review. The Public Facilities and Equipment committee expects to have an update and a recommendation to Council for those needs ahead of the 2024 budgeting session.

**E. Public Safety/Public Safety Equipment – Mr. Lindsey**

1. Mr. Lindsey stated that he appreciates Council moving forward with the new rules and regulations that the Civil Service Commission has been working on. He anticipates that the Civil Service Commission will be having another follow up meeting within the next couple of weeks to continue moving quickly on the new hiring process. They are considering the best way to advertise the open position in order to try to get some new officers hired before the end of this year. Mr. Lindsey said that Ms. Miller will email dates of any advertised Civil Service Commission meetings to Council.

**F. Recreation Programming and Community Welfare – Mr. Panza**

1. The Recreation Department recently hosted their annual Green Tree Senior picnic which was a very successful event. Mr. Panza thanked all of the volunteers that helped put it together.
2. The food truck at this week's Farmers Market will be Syrian Aroma. Acoustic Daze will be performing a concert in the park following the market.
3. Oktoberfest planning is coming along very well. Mr. Panza said that he hopes to had some members of Council helping to man the ticket booth this year.
4. Mr. Panza noted that the meeting he was referring to earlier in the meeting regarding the deer population took place in September of 2002, before Mayor Schenck was on Council. Mr. Panza said that Greenpeace International started sending the Borough emails from all over the world.

Mr. Panza stated that he believes it is time that the Borough considered re-evaluating the issue. He suggested the Borough hosting a town hall style meeting, where professionals from both sides of the issue give presentations and allow for open dialogue.

**PRESIDENT'S REPORT – Mr. Tintori**

- A. The Borough is hosting their annual electronics recycling event on Saturday, September 23 from 10:30am until 1:00pm.
- B. The Small Business Administration celebrated their 70<sup>th</sup> anniversary on August 2. The Small Business Administration Administrator for the United States, Ms. Isabella Casillas Guzman, was in attendance at this event. Mr. Tintori was asked to say a few words during their celebration.
- C. Mr. Tintori announced that Chipotle will be moving into the old Boston Market building within the next few months. A Jersey Mike's will eventually be moving into the former 7-Eleven location.
- D. Sammy's Pizzeria on Noblestown Road has recently re-opened. They are not technically in Green Tree but are located just outside of Borough limits. Their pizza will be supplied at this year's Green Tree Oktoberfest.

**MANAGER'S REPORT – Ms. Miller**

- A. The Woman's Civic Club is hosting their ladies swim night at the pool on Friday, August 11 from 7:00pm until 9:00pm.
- B. Green Tree Borough is now hosting a weekly women's bocce group on Wednesday evenings in the Green Tree Municipal park. No registration or skill is required to participate.
- C. Mr. Rea asked if the Community Pride Presentation that was on the draft agenda would be on next month's agenda. Ms. Miller stated that they were unable to make the meeting this month and she is hoping they will be able to reschedule for the next Council meeting.



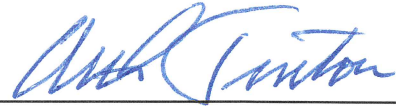
- D. Mr. Rea asked Council to meet for an executive session after tonight's meeting to discuss an occupancy permit concern.

**ADJOURNMENT**

**Motion:**

**Mr. Panza made a motion, seconded by Mr. Lindsey, to adjourn the meeting at 8:39 pm.**

**Motion carried unanimously.**



Arthur Tintori, President



Judy Miller, Borough Manager