

**GREENSBORO BOROUGH COUNCIL  
REGULAR MEETING  
TUESDAY, OCTOBER 3<sup>rd</sup>, 2023  
6:00 P.M.**

**MINUTES**

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**CALL TO ORDER:**

The regular monthly meeting of the Greensboro Borough Council, Greensboro, Pennsylvania, was called to order by President D. Neino at 6:00 p.m. on Tuesday, October 3<sup>rd</sup>, 2023, in the borough building located at 217 Minor Street, Greensboro, Pennsylvania with a quorum present.

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was recited.

**ROLL CALL – PRESENT:**

Donna Neino, President, Charles Mallory, Vice-President, Miranda Cumberland, Council Member, John “Tony” Gashie, Council Member, Shawn McManis, Council Member (arrived at 6:48 p.m.), Edward Abbott, Mayor, and Christopher Simms, Borough Solicitor

**ROLL CALL – ABSENT:**

Lisa Miller, Borough Secretary/Treasurer

**VISITORS PRESENT:**

Borough Residents: Joie Flickinger, Rick & Karen Deter, Patricia Schurr, and Ralph Jannini, IV

**VISITOR’S COMMENTS/CONCERNS:**

J. Flickinger expressed his dislike of the proposed ordinances specifically with the language and the way they are written. He feels they are not written for the general public to understand and doesn’t like the repeated use of the term “criminal.” He said the role of the council is to act in the best interest of the community and not rule it.

P. Schurr is still concerned that the word “vegetation” is not defined in the proposed Grass, Weeds, and Other Vegetation Ordinance. She feels she could be forced to remove a tree that has been on her property for 20 years. She said the word “walkway” is not defined in the proposed Sidewalk Ordinance. She feels it is a safety concern and would like the word defined or removed so that it only talks about paved surfaces.

R. Jannini is looking for better clarity in the wording of the ordinances. He took issue with specific wording in a couple of the proposed ordinances. He presented the borough council with a letter outlining his concerns and wanted this letter entered into the minutes. The letter is attached hereto. He also felt the September 2023 meeting minutes do not accurately reflect his concerns.

**GREENSBORO BOROUGH COUNCIL  
REGULAR MEETING  
TUESDAY, OCTOBER 3<sup>rd</sup>, 2023  
6:00 P.M.**

**MINUTES**

---

K. Deter expressed concern to the borough council regarding an individual who is going around a school bus with its lights on at an intersection every morning. She stated that she has reported it to Cumberland Township Police on multiple occasions and was told that they don't have enough officers to send down here. She said she finally got the matter taken care of by contacting the bus company, Zalar Busing.

**APPROVAL OF MINUTES:**

Motion to approve the minutes from August 1<sup>st</sup>, 2023, with corrections by C. Mallory. Seconded by J. Gashie. Motion carried.

Motion to approve the minutes from September 5<sup>th</sup>, 2023, as written by C. Mallory. Seconded by M. Cumberland. Motion carried.

**APPROVAL OF UNPAID BILLS:**

Motion by J. Gashie to pay:

Cumberland Twp. Police – September 2023 Services: \$ 1,750.00

Christopher M. Simms, Esq. – September 2023 Services: \$ 3,765.00

Observer-Reporter – Ordinance Publications: \$ 279.74

Fred C. Clark, Jr. Groundcover Nursery, LLC: \$3,000.00

Circle K – Gasoline: \$ 54.86

Wal-Mart – Copy Paper & Toilet Seat: \$ 42.85

Seconded by C. Mallory. Motion carried.

**TREASURER'S REPORT:**

Motion to approve the Treasurer's Report for the month ending August 31<sup>st</sup>, 2023 - Total Funds: \$ 212,441.15 by M. Cumberland. Seconded by C. Mallory. D. Neino and M. Cumberland abstained from voting because the Treasurer's Report contains payroll information for Bruce W. Neino. Motion carried by majority. This Treasurer's Report has been reconciled with the bank statements.

Motion to approve the Treasurer's Report for the month ending September 30<sup>th</sup>, 2023 - Total Funds: \$ 200,332.59 by C. Mallory. Seconded by J. Gashie. D. Neino and M. Cumberland abstained from voting because the Treasurer's Report contains payroll information for Bruce W. Neino. Motion carried by majority. This Treasurer's Report has not been reconciled with the bank statements as they have not been received as of this date.

**COMMITTEE REPORTS:**

ROAD: J. Gashie said he had not followed up with the State who needs to address the crosswalks before we can do the curb painting. He said he will follow up with

**GREENSBORO BOROUGH COUNCIL  
REGULAR MEETING  
TUESDAY, OCTOBER 3<sup>rd</sup>, 2023  
6:00 P.M.**

**MINUTES**

---

Jason from PennDOT regarding the crosswalks. No estimates as of yet to resurface Stone Street between Second and Third Streets.

RENTAL: J. Gashie spoke with Tom Bate regarding the siding issue at 224 Front Street and the need to use the exact same kind of wood siding (dutch lap) to make the necessary repairs. He said if the siding is not available, we may have to have it milled. He said once the siding is repaired, we need to have the house painted and should solicit bids for the same as there is still time to have it done this year. E. Abbott offered up siding from an old house he is tearing down if it can be used. J. Gashie to see if we can use it and prepare a scope of work for the painting job.

SEWER: J. Gashie and S. McManis raised our concerns at the GMTJSA monthly meeting to the authority and Brian Lake of K2 Engineering that the repairs have not been made to Diamond Street by the VFW and Minor Street at Third Street as of yet. They said that B. Lake said he would look at the streets in question. This was something he was supposed to do from our previous requests to have the repairs made. D. Neino reported that a letter requiring the repairs be made hasn't been prepared yet but will be as soon as possible.

Additionally, a letter will be sent to Columbia Gas requiring them to repair a sink hole in the area of 110 Second Street.

PUBLIC SAFETY: D. Neino reported that she, J. Gashie, and C. Simms met with the Cumberland Township Supervisors regarding a new police contract on Monday, September 18<sup>th</sup>, 2023, at the Cumberland Township Municipal Building. The supervisors were informed that the borough would like to have some input in the scheduling of officers and for the officers to enforce the Traffic and Parking Ordinance. The township to discuss this request with the officer's union.

J. Gashie said 911 calls need to be billed to the State because PSP should be taking those calls. Discussion followed.

K. Deter reported a sink hole on Clear Street between Front and Second Streets. She said this sink hole appeared before and was patched and now it is appearing again. It appears that it may be a storm water issue. Discussion followed.

MAINTENANCE: The lawn tractor was taken to 4 Seasons for repairs to the steering. They had to order the parts. A broken toilet seat was replaced in one of the public restrooms. Restrooms and buildings checked daily and will be winterized and closed for the winter shortly.

**CORRESPONDENCE:**

D. Neino read a letter from Pennsylvania Housing Finance Agency that a Sheriff's Sale was conducted on August 25<sup>th</sup>, 2023, on the property located at 328 Second Street in the borough.

**GREENSBORO BOROUGH COUNCIL  
REGULAR MEETING  
TUESDAY, OCTOBER 3<sup>rd</sup>, 2023  
6:00 P.M.**

**MINUTES**

---

D. Neino reported that the Foreign Fire Insurance check in the amount of \$ 1,140.70 was received and will be forwarded to the Greensboro-Monongahela Twp. VFD.

**UNFINISHED BUSINESS:**

Lock House Update – C. Simms hasn't heard back from K. Kendralla since the last time he talked to him.

Update on Sink Hole @ Front & Diamond Streets – D. Neino received an email from Brian Lake/K2 Engineering stating the Highway Occupancy Permit (HOP) was submitted to PennDOT. Once PennDOT approves the permit, the project will be put out for bids. C. Simmons responded that we are right with the estimated timeline.

VFD Request – money to purchase cylinders – need Treasurer's Report – D. Neino read a letter from the fire department requesting the equivalent of one mil worth of tax revenue for each of the years 2022 and 2023 with a partial listing of utility (electric) expenses enclosed. S. McManis moved to give one mil of tax revenue in the amount of \$ 4,000.00 for 2023 to the Greensboro-Monongahela Twp. VFD. Seconded by C. Mallory. Motion carried. A letter stating the requirement for future funding requests and an explanation regarding the 2022 request will be sent with the check.

Motion by S. McManis to advertise the Grass, Weeds, and Other Vegetation Ordinance. Seconded by J. Gashie. Motion carried.

Motion by C. Mallory to advertise the Recreational Vehicles, Boats, Campers, Trailers, and Large Vehicles Ordinance. Seconded by S. McManis. Motion carried.

Motion by C. Mallory to adopt Ordinance No. 2023-06 Traffic and Parking. Seconded by J. Gashie. Motion carried.

Motion by S. McManis to adopt Ordinance No. 2023-07 Burning. Seconded by C. Mallory. Motion carried.

Motion by D. Neino to adopt Ordinance No. 2023-08 Dogs & Other Animals. Seconded by C. Mallory. Motion carried.

Motion by C. Mallory to adopt Ordinance No. 2023-09 Sidewalks. Seconded by M. Cumberland. Motion carried.

Estimates to resurface borough office parking lot – No update from J. Gashie regarding estimates.

Code Enforcement/Zoning Officer – Nothing to report.

Ordinance Workshop – Property Maintenance Ordinance Workshop tabled until Budget Workshops are completed.

**GREENSBORO BOROUGH COUNCIL  
REGULAR MEETING  
TUESDAY, OCTOBER 3<sup>rd</sup>, 2023  
6:00 P.M.**

**MINUTES**

---

Update on telephone pole on County Street – J. Gashie spoke with Curt Miller. The borough's electric service has to be moved from a bad telephone pole and placed on a pole that the borough owns. J. Gashie has two telephone poles, one of which could possibly be used.

Estimate to repair fence along walking trail by Bed & Breakfast – \$ 1,340.00 – S. McManis made a motion to accept the estimate from Anthony Neino in the amount of \$ 1,340.00 to repair the stated split rail fence. Seconded by J. Gashie. Motion carried with M. Cumberland and D. Neino abstaining due to their relationship to A. Neino.

Complaint from Dan Flickinger – in re: Vegetation encroaching on his Second Street property from adjacent properties – D. Flickinger filed this written complaint following his appeal that was denied by the Commonwealth Court of Pennsylvania where he received two summary violations from the borough in August 2017 for the height of vegetation. D. Neino deferred to C. Simms for a response to this complaint. C. Simms stated that D. Flickinger had the opportunity to raise that claim in the Court of Common Pleas and failed to do so. He said we have a higher-level court acknowledging that it is his grass or vegetation and this sounds like a disingenuous complaint. R. Jannini attempted to speak on this matter, however D. Neino ruled him out of order.

**NEW BUSINESS:**

Motion by C. Mallory to adopt Resolution No. 9 of 2023 regarding the Rules for Public Comment and Public Participation for Public Meetings. Seconded by S. McManis. Motion carried. R. Jannini raised an objection to this resolution, specifically the recording and streaming of meetings.

Budget Workshop & Tax Millage – Budget Workshop scheduled for Wednesday, October 25<sup>th</sup>, 2023, at 6:00 p.m. C. Simms to bring the resolution or ordinance establishing the tax millage.

Trick or Treat – S. McManis moved to have door-to-door trick or treating on Tuesday, October 31<sup>st</sup>, 2023, from 6:00 p.m. to 8:00 p.m. Seconded by C. Mallory. Motion carried. Those residents wishing to participate should leave their porch light on between those hours.

**EXECUTIVE SESSION:** None.

**MAYOR'S COMMENTS:** E. Abbott stated that everything we do is for the betterment of the community and we try to be fair. Discussed some situations of concern in the borough. He also reported on the current standing of Fire and EMS in Greene County. He stated that Crucible VFD closed a few months ago due to money and the lack of

**GREENSBORO BOROUGH COUNCIL  
REGULAR MEETING  
TUESDAY, OCTOBER 3<sup>rd</sup>, 2023  
6:00 P.M.**

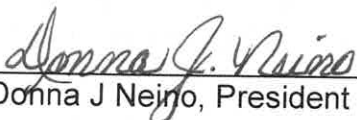
**MINUTES**

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volunteers. Currently, we have the potential to lose three more fire companies in this county due to money and the lack of manpower. Discussed some of the issues causing these problems including a depleted population, an aging population, and over regulation by the state.

COUNCIL COMMENTS: D. Neino reported that the copier at the borough building has been repaired and the one at the log cabin needs a new hinge which he will try to locate. C. Mallory said we are still in need of people to serve on the Zoning Board. R. Jannini to submit a letter of interest.

ADJOURNMENT: Motion by J. Gashie to adjourn the meeting. Seconded by S. McManis. Motion carried. Meeting adjourned at 7:40 p.m.

  
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Donna J Neino, President

*Note: Minutes transcribed by D. Neino from the notes of D. Neino, M. Cumberland, C. Mallory, and C. Simms.*

RE: Consideration and adoption of local ordinances

Dear Council and Mayor,

After reviewing the proposed ordinances, I, like others, have made requests for clarification, suggestions, and corrections that need to be addressed.

The proposed ordinances were published and distributed to the public in an abysmal manner. The borough did the bare minimum of public notice, which is unacceptable given the many other social media platforms available today. This is compounded by the council's attitude towards public feedback, which is often perceived as "we know what to do" (even when members haven't taken the time to read the ordinances). This alienates the public and instills an oppressive cloud over the borough.

The borough consistently fails to keep its citizens informed about important matters, such as access to public records, timely posting of borough minutes and finances, and advance posting of an agenda and draft minutes. Keeping the public informed about how the council spends citizens' tax dollars is the job of the council, and it is not being done.

In summary, the borough is failing to meet its basic obligations to keep the public informed and involved in the legislative process. This is unacceptable and must change.

So rather than address each individual issue, it may be more productive to summarize some of the most common issues that carry across all these ordinances.

- The language of the proposed ordinances is inconsistent and vague. This makes it difficult for citizens to understand their responsibilities. For example, the ordinances use different terms to refer to the same thing, such as "sidewalk," "walkway," "public sidewalk," "footpath," and "alleyway." They also use vague and subjective terms, such as "vegetation", "nuisance", "unreasonable" and "offensive". This makes it difficult for citizens to know actually what is and is not prohibited.

Additionally, the enforcement and penalty sections of the ordinances are inconsistent. For example, some ordinances describe both criminal and noncriminal penalties, but it is not clear how or if these ordinances are one or the other. This is further complicated by the fact pointed out by Patti that the last paragraph of the ordinances states that all of them are being considered criminal offenses.

However, it is important to stress that summary criminal offenses are civil actions that provide the right to due process. They can carry fines and court costs as penalties, but no jail time. They are typically less serious than misdemeanors or felonies. The proposed ordinances do not clearly communicate these facts to citizens.

Overall, the language of the proposed ordinances is confusing and misleading. This makes it difficult for citizens to understand their rights and responsibilities. The borough needs to revise the ordinances to make them clear and concise.

- The overall heavy-handed tone of the ordinance, from the heading itself to the assertions of power that only a court can authorize, is concerning. The borough consistently assigns guilt and penalties by ignoring actual due process, whether it is trespassing on property, raising fine costs, or applying a municipal lien.

The borough takes no responsibility or recognizes that its deliberately vague and arbitrary language allows violations to be made in error or in deliberate malice. This overt authoritarian posturing is misguided and naïve, as it sets the borough up for further liability when taken too far.

If the council is genuinely interested in creating communal harmony with these ordinances, removal of this posturing should be addressed immediately. It would also be helpful to drop what appears to be a cookie-cutter HOA mindset, as this is a rural county borough. Ordinances need to reflect a desire to resolve issues, and when justified, react to those who arrogantly refuse to cooperate on legitimate public issues.

In summary, the ordinance is overly harsh, arbitrary, and can lead to further liability for the borough. It is important for the borough to consider the needs of the community and to create ordinances that are fair and enforceable.

- Glossing over the issues - when the public asks for clarification on wording and their implications, their concerns are routinely glossed over by saying that doesn't apply, that state or constitutional law wouldn't allow it or even worse 'we wouldn't do that'. When offered these explanations, one has to ask then why it is even written into the ordinance. Have the ordinances properly reflect the circumstances and solution, and remove everything else.

It is notable that these ordinances avoid any objectivity that is systemic to these issues. This lack of critical thinking by council or even the consideration of how certain language impacts others is disturbingly commonplace.

In an effort to keep this down to a couple of pages, I ask this council how they would react if an ordinance affected them, and then discovered the ordinance was written so vague and arbitrary that it was confusing and then were levied fines for not complying with something that has yet to be proven. Would you defend your right to be heard or simply comply with unrealistic directives? What if you couldn't justify the cost of defending your rights in court?

Let's be clear, justice shouldn't be only for those that can afford it, and these types of ordinances attempt to instill that type of discriminatory control on its citizens.

Lastly, I hope that the council will recognize the financial and social cost they created by neglecting to include the public in matters and will revise the proposed ordinances openly, fairly, and properly to reflect the concerns of everyone.

Sincerely

Ralph H Jannini