

## **Borough of Munhall – Regular Council Meeting – January 21, 2015**

### **I. Call to Order**

At 7:05, Council President, Dan Lloyd, called the meeting to order. Dan advised prior to the regular meeting there had been an Executive Session where they discussed personnel matters and contract negotiations. No decisions were made regarding either matter. There were also discussions of litigations that the Borough is involved in and those litigations will be going to court.

### **II. Pledge of Allegiance**

Robert Biscey was asked to lead the Pledge of Allegiance.

### **III. Preliminary Announcements**

President Lloyd called for preliminary announcements. He himself announced to those gathered that Mr. Jack Murphy had passed away. Mr. Murphy was a local insurance agent and a retired commander in the Navy. A moment of silence was held in his name.

### **IV. Roll Call**

Secretary Becki Wirth took the evening roll call and all were present except Councilman Richard Votedian who was out sick.

### **V. Citations/Swear into Positions**

Mayor Ray Bodnar handed out the first of the evening recognitions to Police Chief Patrick Campbell and Officer Dan Boehme who received the AAA Golden Traffic Safety Recognition Award. Pictures were taken of Mayor Bodnar with both Chief Campbell and Officer Boehme.

### **Person(s) requesting time to address Council**

**Mr. Ray Kondas**, who lives on Marigold Street, said that evening's visit was the last time he was going to attend. He stated he was there to talk about Code Enforcement Officer Dave Cannon. He then stated that he was unhappy with what he feels is nepotism within the Borough. He stated that Mr. Cannon has a job that he felt he was not qualified to have and that many residents complain about Mr. Cannon. He stated that if you are a friend of Mr. Cannon's you will "get away with murder" and if not "you pay". Mr. Kondas went on to say that Mr. Cannon isn't worth the \$46,000.00 he is paid. He said that he visited the administration office and he saw Mrs. Dudas handing out building permit applications. Mr. Kondas then asked, "What do we need him for?" He then commented, "but we know how he got it." He states

Mr. Cannon doesn't enforce Building Permits being displayed on the house as work is being done. He stated that he is ready to sue him and that Mr. Cannon doesn't deserve his job.

Mr. Kondas' second item to discuss was for President Lloyd. He said "last month I asked you to resign. This month I hope you don't." He said that he wanted to know where the \$600,000.00 that Matt Galla took went and asked if Mr. Galla plea bargains to pay less than the \$600,000.00 back, would President Lloyd be paying the difference because "you put him there. He wasn't qualified and nepotism did it again."

Mr. Kondas' also had questions regarding tax collection and garbage collection fees. He wanted to know why we couldn't collect our own fees and not Legal Tax Service. He feels that we have our own tax collector and she should be collecting all taxes and we should not be paying an outside company to do this.

Mr. Kondas then began to question the \$2.80 on each bill from the Sewer Authority (where is it going?) and at that time President Lloyd advised him that his 3 minutes was up and the meeting needed to move on.

As Mr. Kondas was being seated, Mr. Cannon asked to speak. He wanted to let President Lloyd know he would be suing Mr. Kondas. Mr. Kondas then said he hoped he would.

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**Mr. Michael Aldrich** wanted speak about "the gentleman who was at the prior meeting" who was on the planning committee and had "the power" to make the Borough remove its parking space signs from the Borough parking lot. He feels that "this individual" has an issue with his property and the construction of his garage on 10<sup>th</sup> Ave. He stated that he has complied with every permit and action that the Borough has instructed him to without hesitation and yet there still seems to be a problem with this individual. Mr Aldrich states that he doesn't want racism to become an issue but there always seems to be an issue with "this individual from the planning commission" and his own property has been "in disarray for 4 or 5 years".

He then brought up a building on 8<sup>th</sup> Ave that has been on the demolition list for several years and because a For Sale sign showed up on the front of it, it came off of the demolition list. Mr. Aldrich stated this was "a joke" and listed the issues he felt were wrong with the building. He is concerned because there is a daycare there. He asked if the Borough is waiting for the building to collapse on someone or are they not concerned because "it wont be yours?"

At that time Mayor Bodnar interjected and advised that had he been listened to “that night” the building would have been down because he had everyone ready to take the building down. Mr. Aldrich said he understands that the building was on the demolition list but he doesn’t understand how it came off the list. He feels if the building were “up on Main Street” it would already be down. Councilman Rick Brennan said that he disagreed. Mr. Aldrich went on to explain that he bought a property and almost immediately Mr. Cannon asked him to replace the soffit and fascia and he did so right away. He stated that anytime Chief Campbell or the Police ask him to do something, he takes care of it right away. But his concern is that “this gentleman on the planning committee” can have his house in disarray as long as he wants and come before Council with issues about Mr. Aldrich and it is none of his business. President Lloyd informed Mr. Aldrich that his time had expired and Mr. Aldrich insisted that he was going to continue to speak because he pays more than “3 ½ minutes in taxes”. An argument ensued between Mr. Aldrich and President Lloyd about the time restriction. Mr. Aldrich was asked to leave the meeting. He left with assistance from Police Chief Campbell.

**VI. Public comments on Agenda Items only**

**Motion 1:** Motion to adopt Ordinance No. 1570, rescinding Ordinance 1538 that required notification to the Borough if firearms are lost or stolen. This Ordinance 1570 to take effect immediately.

**Mr. Scott Stevens** suggested that we post Ordinances online so residence can have access to see and read them.

Answer: Borough Manager Robert Callen advised that the Borough is in the process of completely redesigning its website and the new site will have forms and links to all of these things.

**Motion 3:** Motion to adopt Resolution 2015-1 setting the 2015 Garbage Collection Fees, as approved in the 2015 general fund budget at \$180/household paid annually and \$220/household paid quarterly.

**Ms. Donna Dreshman** asked if this motion were not passed, would new bills be sent out to residents.

Answer: Borough Manager Robert Callen answered stating that this motion is just a formality and that it is the resolution to follow up what was previously adopted by Council. This is to comply with the ordinance that states there must be a resolution to legitimize the adoption.

Mrs. Dreshman stated that maybe it should have been done prior to or along with the adoption.

**Motion 4:** Motion to execute an Easement Agreement with Allegheny County for the installation of a storm drain along 22<sup>nd</sup> Avenue Extension to the extent that Munhall Borough may or may not own this small strip of land.

Ms. Dreshman asked if the Borough knew who owned this piece of property.

Answer: Solicitor Evashavik states that the County insists we own it but we are not sure and the Borough wouldn't want to pay for the title search. At this point we are protecting ourselves by wording it to say "to the best of our knowledge, we own it" and give them permission to go on it. We are doing a favor for the county giving them access to the land. It is 44 sq ft.

Ms. Dreshman stated "maybe someone from the Borough could volunteer to do the title search and Mr. Evashavik stated "you wouldn't know how to do it. You have to be trained". Ms. Dreshman replied "there are people trained to do it." Mr Evashavik stated that they usually charge for it and advised her to let him know if she knew any volunteers.

**Motion 5:** Motion to award Website Redesign Project to Holt Web Design at the quotation price of \$6,845 payable at \$3,422.50 at signing of agreement and \$3,422.50 upon satisfactory completion of work; and \$50/month as an option, if needed, for content management

Ms. Dreshman asked if there is money in the budget for this.

Answer: Borough Manager Callen stated that it was.

Ms. Dreshman commented that the website used to have all of the forms on it but all of those are gone now. She stated they disappeared in between management changes.

Answer: President Lloyd said that the previous Interim Manager Faulk was working on the site and took things off and but we are now working on a completely new site design.

**Motion 6 & 7: (6)** Motion to hire Mark Majersky from part time employee to full time employee as a Police Department Clerk at \$15/hour, with benefits as afforded to full time employees, effective January 25, 2015. **(7)** Motion to advertise for candidates to apply for up to two (2) part-time Police Department Clerk positions.

Ms Dreshman asked if these employees would be under the Public Works contracts or the Police contract? Will they be administrative?

Answer: Borough Manager Robert Callen stated that these positions will be “at will” employees and will be under administration. And no benefits for the part time employee(s).

Ms. Dreshman asked about the hours of the of the full time employee.

Answer: Borough Manager Callen and Council President Lloyd advised the hours were not set as of yet. That Mayor Bodnar and Police Chief Campbell will make those decisions later.

Ms. Dreshman questioned if when the Police Department Clerk is present, would residents still need to go outside and press the outside 911 button.

Answer: Mayor Bodnar advised that during the time there is someone in the dispatch window, the residents can be sent to the window.

Ms. Dreshman asked if offering these positions was the Boroughs way of saying that they “messed up” eliminating dispatchers.

Answer: Borough Manager Bob Callen advised no. President Lloyd commented that he had read something about this sort of item earlier in the evening when Council had received a copy of a letter/statement circulating around but the letter/statement was not signed. He asked for the “coward” who didn’t sign the letter/statement to come forward so the items can be discussed. No one responded.

Ms. Dreshman then asked if there will be any other motions added to the agenda for the evening.

Answer: Councilman Brennan, “you never know” and then smiled saying “not at this time”.

Ms Dreshman said the reason she was asking was that there were questions about the parking meters and the bags over them and said that she was sure that there didn’t need to be a motion to remove the bags.

Answer: President Lloyd said there did not need to be but there did need to be a motion to enforce it (the meters) and currently there are conflicting ordinances so we are not going to remove the bags until the new ordinance is passed before trying to enforce the meters.

Ms. Dreshman asked if there was an ordinance to put the bags over them. She stated that as she inquired prior, she thought that the bags were put on for the Christmas parade and now there are two years worth of meter payments that the Borough hasn’t collected.

Answer: Councilman Brennan said that he would have them all cut down. Let it be two hour parking only.

President Lloyd called for anyone else with comments on agenda items. None.

VII. Minutes for November 19 and December 17 2014 Regular Council Meeting – Motion to accept the minutes.

Motion – Councilman Rob Falce

Second - Councilman Bernie Shields

Motion is carried Unanimously

VIII. Reports from Borough officials:

**Mayor Bodnar:**

- Mayor Bodnar advised that William W. Knight memorial park will become a new stadium thanks to William (Bill) Campbell.
  - Contractors, Landscapers and Electrical Engineers have come to go over this project.
  - Borough Manager Robert Callen advised there will be a public presentation on February 11 2015.
- Mayor Bodnar stated that he met on January 15 2015 with the County Chief Executive Rich Fitzgerald and Interim Manager and the Manger of Community Development.
  - They met regarding the fly over bridge.
  - The Mayor feels that the county should maintain the fly over bridge
    - Borough of Munhall should never have accepted ownership of this bridge or Waterfront Blvd (but this is secondary to the bridge issue).
  - Was told at one time to get a new study done but was told it would be over \$500 thousand dollars.
  - Stated that it has to create new jobs
    - Seimans and US Steel may be opening there.
  - The railroad sent letter that if we do not correct the guardrail issue they will shut the bridge down.
  - Idea of Height Restrictor came up in conversation.
  - County assured us that we are on the list for assistance but no one knows how long this list will take.

Rob Falce asked to thank Mayor Bodnar for his persistence with this matter and being able to pull a group of this magnitude together.

- Mayor Bodnar asked for clarification on what is in our budget for trips/meetings.
  - He asked because of the upcoming meeting (weekend) for the Allegheny League of Municipalities and he is concerned for the budgeting and costs. He states he will not go if there are already 7 people going at over \$1000.00 per person.
    - Councilman Inglis stated he will not be attending

**Solicitor Evashavik:**

- William W. Knight Stadium work will be privately funded (not use tax payer dollars) therefor it will not require the planning commission but there will be a few small protections the Borough will put into place while the work is being done as it will be on Borough property.
  - Allow Gateway Engineers to survey with a basic agreement
  - Before actual construction begins there will be another agreement for all who will enter the construction area
- Reviewed website proposal submitted by Lori Ann Holt
  - There were a couple of legal concerns he mentioned to Borough Manager Callen regarding signature documents.
    - Nothing major, just protections for the Borough.
- Also reviewed Consulting Agreement from RDM regarding the RFP for the Borough and the county Easement Agreement of which he is looking for more information on.

**Borough Manager Callen:**

- First Safety Committee Meeting took place on January 21, 2015 to culture of safety and to reduce workers comp claims and premiums.
  - Committee representation - Fire, PW, Police and Administration
  - Monthly meeting – Next Feb 18, 2015
    - Education and other type of activities on safety
- Closing on \$800,000.00 TAN loan with First Commonwealth on 1/22/2015
- Will be meeting with County Councilwoman Bordanko regarding county projects and Homestead Duquesne Rd will be one of them as well as other items
- PNC investment advisors on 1/28/2015 regarding the Police Pension funds



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- Early intervention investment analysis will begin on February 3 2015
  - The principles will be looking at each department and spending in each area trend analysis for future budgets
- Will be meeting with representatives for contractors for Westfield project –
  - They want to look at the bathroom facilities and play area
- He and Donna Dreshman met with the Southwest Allegheny County Tax quarterly meeting
  - He thanked Donna for being there with him to represent Munhall

Questions for Borough Manager Callen:

Councilman Brennan asked about advertising for future meetings and he wanted to know about advertising for the Parking Committee.

Answer: Mr. Callen stated that the parking committee is an “ad hop” committee and it is not necessary

### **Engineer – Lindsay – Report is in to Council**

- Met with PenDot regarding sidewalk project

### **Public Works – Robert Biscey – Report with Council**

Question to Mr Biscey from Borough Manager Callen - Can we do cold patch on W Schwab and some allies (per request from Councilman Rob Falce)?

Answer: Mr Biscey – Yes.

### **Code Enforcement – Dave Cannon – Report is in to Council**

- Dave passed picture around to council
  - Picture of Mr Ray Kondas’ property
    - Stated 2012 had Mr Kondas tear down old garage that was a safety hazard
    - 2013 Mr Kondas started work on new back porch without a permit and Dave had to take to Magistrate. It is 2014-2015 he still hasn’t finished the project yet.
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- 2014 he took Mr Kondas to Magistrate for the abandoned vehicle in the yard. He still has yet to sell or remove it.
- Dave feels this is personal from Mr Kondas' side and that Mr Kondas isn't mad because Dave ISNT doing his job. He is mad because he IS.
- Dave reminded everyone that Mr Aldrich mentioned the “person on the planning commission”.
  - He states that he has issued work permits for Mr Aldrich and he has put a “ton” of money into his property on 21<sup>st</sup> Street.
    - He is giving him until summer to complete his project on Brierly Lane.

Comment on Dave's reports from President Lloyd who states that it would make sense why people “act out” against council when they want to fly in the face of the rules. He advised Mr. Cannon sited him and he had to remove his vehicle.

Mr. Cannon advised he has sited family members as well and that it is not an easy job. Asked to speak to Solicitor Evashavik after the meeting regarding defamation of character.

### **Sewer Authority Manager – Michael Terrick was not present**

President Lloyd advised Council would be moving on to Items for Consideration.

### **XI. Items for Consideration**

1. Motion to adopt Ordinance No. 1570, rescinding Ordinance 1538 that required notification to the Borough if firearms are lost or stolen. This Ordinance 1570 to take effect immediately.
  - Motion – Councilman Inglis
  - Second – Councilman Brennan

Solicitor Evashavik then led a public hearing explaining that there had been a change in the law and that although some larger governments are taking on the battle, which results in allot of legal fees, it is his recommendation that our municipalities step back and comply with current law, rescind these laws and see what happens. The law can be reenacted in the future but if the larger battles are not successful, we have complied. At this time, the Borough will have no ordinance on the books regarding handguns.

Solicitor Evashavik asked if there were any questions regarding this public hearing. None were asked and he closed the hearing.

President Lloyd reminded of motion and second. Took vote and it was unanimous.

2. Motion to enter into an Agreement with the Commonwealth of Pennsylvania, Department of Community & Economic Development for \$46,000 to be applied toward the Early Intervention Program initiative.

- Motion – Councilman Ballas
- Second – Councilman Inglis

Comment by President Lloyd advising that he hopes that if we are spending this money, we enact some of the recommendations. Otherwise we have wasted the money. He referred to past recommendations and that “for whatever reason” we have not acted upon those recommendations and whether it is popular with the people or employees, Council will do what it was elected to do. No other comments or questions were giving

- Vote – The vote was unanimous

3. Motion to adopt Resolution 2015-1 setting the 2015 Garbage Collection Fees, as approved in the 2015 general fund budget at \$180/household paid annually and \$220/household paid quarterly.

- Motion – Councilman Shields
- Second – Councilman Brennan

Comment by Mayor Bodnar. He stated that he opposes the ordinance and thinks there were other ways to get the budget number instead of asking the residents for these fees.

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Councilman Shields asked how much and Borough Manager Callen said about \$ 600,000.00 but this is part of the Early Intervention Analysis and we will know more when that is completed. He said at present, we are subsidizing around \$200,000.00. President Lloyd stated that there hasn't been an increase since 2009 and Councilman Shields confirmed with Borough Manager Callen that we are still subsidizing around \$200,000.00. All were in agreement that they should have raised the fees in yearly increments.

- Vote - Unanimous
4. Motion to execute an Easement Agreement with Allegheny County for the installation of a storm drain along 22<sup>nd</sup> Avenue Extension to the extent that Munhall Borough may or may not own this small strip of land.
- Motion – Councilman Brennan
  - Second – Councilman Falce

Comment from President Lloyd stating that Solicitor Evashavik has altered the contract that the County wanted the Borough to sign regarding the easement. He added language that we don't make warranties of the ownership of the land.

Solicitor Evashavik stated that he has indeed not seen the final copy of the document. He states the county has the document on their computer. That he received the county copy and has made notes on it for changes but has not seen the final copy with the formal changes. He wanted to make sure Council knew this information and that the final document is subject to final approval by the Solicitor.

President Lloyd asked if Councilman Brennan accepted this and Councilman Brennan advised he had a question regarding this. His question he stated went back to "taking possession of the fly over bridge" and that he feels we should not have possession of the bridge. He stated that the 22<sup>nd</sup> Ave property and "several others" were negotiated back in 1997 and if that is the documentation stating that we own the bridge, it should be documented that they (the county) own the bridge because they didn't follow through with the deal. They gave us possession of the bridge but they didn't take possession of the property or visa versa. President Lloyd and several other councilmen explained that these were two different items. One had to do with the bridge and the other with this property off of West Run Rd and its drainage problems. Councilman Brennan asked that someone look into the way we acquired the bridge. Several people including the Mayor advised they had

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paperwork for him to review. Councilman Shields explained how it was unknowingly acquired along with Waterfront Drive as the curb-to-curb TIF. Councilman Brennan said he questions that. President Lloyd advised those questions would need to wait for another time but asked if he accepted that they were waiting for the Solicitors final document from the county on this motion. He accepted.

- Vote - Unanimous

5. Motion to award Website Redesign Project to Holt Web Design at the quotation price of \$6,845 payable at \$3,422.50 at signing of agreement and \$3,422.50 upon satisfactorily completion of work; and \$50/month as an option, if needed, for content management.

- Motion – Councilman Brennan
- Second – Councilman Falce

Comment from Solicitor Evashavik stating that he wants final legal approval of any signed document. Councilman Ballas asked if Holt Web Design would be keeping the same bid that they gave to the Borough back in August and Borough Manager Callen confirmed.

- Vote – Unanimous

6. Motion to hire Mark Majersky from part time employee to full time employee as a Police Department Clerk at \$15/hour, with benefits as afforded to full time employees, effective January 25, 2015.

- Motion – Councilman Inglis
- Second – Councilman Falce

Councilman Brennan asked if Mark would be under Administration or Police Department. Borough Manager Callen advised he will be under Administration but his direct report will be Chief Campbell.

Councilman Shields asked if the hours Mark will be working would be adjusted so that they cover better than they were “before”. Chief Campbell answered yes. There was a discussion about coverage at the window and how it will coincide with the administrative office. Chief Campbell advised that Mark is very flexible. Then the conversation turned to the question of if there is currently a curfew hour for the building and the fact that there should be. Chief Campbell advised that other than Council there usually isn’t anyone in the building after 10 and that Mark is flexible and able to work that late if needed.

- Vote – unanimous

7. Motion to advertise for candidates to apply for up to two (2) part-time Police Department Clerk positions.

- Motion – Councilman Brennan
- Second – Councilman Falce

Councilman Inglis asked about salaries for these two positions and President Lloyd advised this is just to advertise for the candidates. Chief Campbell advised that these positions would be “as needed” for possible call outs or to watch prisoners, etc. Per Borough Manager Callen the salary would probably be between \$10-\$12 dollars per hour.

Councilman Brennan stated that he believes this is a step forward but it is not an answer for the issue of our dispatch window being closed during daylight hours.

- Vote - Unanimous

8. Motion to pay the bills for the period December 31, 2014 through January 15, 2015 as in the Monthly Bill List, summarized as follow:

Administration:	\$ 19,482.05
Police:	\$ 14,461.05
Fire:	\$ 5,694.00
Health & Sanitation:	\$ 11,046.77
Public Works:	\$ 56,135.34
Recreation:	\$ 2,095.85
Miscellaneous:	<u>\$ 857.57</u>
<b>TOTAL:</b>	<b>\$ 109,797.51</b>

- Motion – Councilman Inglis
- Second – Councilman Ballas
- Vote - Unanimous

9. Motion to approve Payroll for the period of December 31, 2014 through January 15, 2015, as follows:

December 31, 2014:	\$ 110,930.51
January 15, 2015:	<u>\$ 120,789.12</u>
<b>TOTAL:</b>	<b>\$ 231,729.63</b>

- Motion – Councilman Falce
- Second – Councilman Shields
- Vote – Unanimous

After the end of the items for consideration, Mayor Bodnar handed out a Citation for former Fire Chief Matt Pisarcik for his years of service to the Borough. He also swore in the current Fire Chief Ed Pletsch and Deputy Fire Chiefs Glenn Coles and Brian Yerbanick.