

COUNCIL OF THE BOROUGH OF WEST MIFFLIN met in regular session in the Municipal Building Council Chambers on Tuesday, February 19, 2008 at 6:30 p.m. prevailing time with President William Welsh presiding.

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| ROLL CALL: | Falce | Present | Olasz | Present |
| | Jabbour | Present | Popovich | Present |
| | Munsie | Present | Stephenson | Present |
| | | Welsh | Present | |

Seven members present, absent none. Mayor Andzelik present.

CITIZENS COMMENTS ON AGENDA ITEMS:

Diane Stanesic 2803 Glenn Lane Extension commented on Agenda Item B, stating that she hopes that every candidate abides by the ordinance and that everyone is treated the same. Under Agenda Item I she questioned whether Council is actively pursuing Verizon coming into the Borough for cable television service. Mrs. Popovich replied that the Franchise Agreement would be negotiated through Steel Valley Council of Governments and she said that according to a Verizon spokesperson they are hoping to be active in the Borough by the end of this year. Ms. Stanesic said that South Park Township had a problem with the installers not being citizens and she requested that the Borough check to make sure the employees are United States citizens. Under Agenda Item N, she questioned when this was decided and also where the money would come from. Mr. Bednar replied that it was discussed at the Caucus Meetings in January and February and that the positions are in the 2008 Budget. Ms. Stanesic questioned Agenda Item K asking where the money would come from for 2 trucks. Mr. Bednar explained that they would be paid from the Capital Projects Fund which has a balance of \$964,000.

John Koczka of 4333 Everlawn Street questioned Agenda Item N. Mr. Koczka stated that he feels that there isn't any money for new police officers. Mr. Welsh stated that it is in the budget.

APPROVAL OF MINUTES:

Motion by Popovich, seconded by Jabbour that the Minutes of the December 18, 2007 Council Meeting, January 7, 2008 Reorganization Meeting and the January 15, 2008 Council Meeting be approved. Roll Call: Six ayes, one nay (Olasz). Motion carried.

PAYMENT OF BILLS:

Motion by Jabbour, seconded by Falce to approve the payment of bills. Roll Call: Six ayes, one nay (Olasz). Motion carried.

AGENDA ITEMS:

A. ORDINANCE OF THE BOROUGH OF WEST MIFFLIN, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 6, PART 4 OF THE CODE OF ORDINANCES OF THE BOROUGH OF WEST MIFFLIN IN RELATION TO THE ESTABLISHMENT, VIOLATIONS, EXCEPTIONS, AND ENFORCEMENT OF A BOROUGH CURFEW FOR MINORS

Motion by Jabbour, seconded by Falce the ordinance be read. Motion carried. Mr. Bednar read the ordinance. **Motion** by Jabbour, seconded by Falce the ordinance be enacted. Under remarks, Mr. Stephenson questioned the changes in the ordinance. Mr. Adams explained that it went from a two notice procedure to a one notice procedure. Roll Call: Seven ayes, no nays. Motion carried. Ordinance given No.1155.

B. ORDINANCE OF THE BOROUGH OF WEST MIFFLIN, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 19, PART 4 OF THE CODE OF ORDINANCES OF THE BOROUGH OF WEST MIFFLIN AND ESTABLISHING THE PERMISSIBLE USAGE AND PROCEDURES OF EXHIBITION OF POLITICAL SIGNS WITH-IN RIGHTS-OF-WAY AND ON PRIVATE PROPERTY.

Motion by Jabbour, seconded by Falce the ordinance be read. Motion carried. Mr. Bednar read the ordinance. **Motion** by Olasz to suspend the Rules of Conduct for Legislative Meetings. Motion died for lack of second. Mr. Welsh requested that Mr. Anthony explain the amendment to the ordinance. Mr. Anthony explained that the amendment requires that candidates submit a deposit with the Borough before posting any signs. Mr. Anthony explained that there is concern at tonight's meeting because of an earlier newscast about political signs in South Park Township. He stated that what he understood from the newscast is that they are prohibiting signs on private property and that the West Mifflin ordinance regulates signs on right-of-ways, which is different from the South Park ordinance. Mayor Andzelik stated that South Park's ordinance also limits a time period that the signs may be posted. Mr. Stephenson said that he believes we also have a stipulation stating a time period. Mr. Munsie remarked that Section 5 states that political signs should not be erected prior to 30 days before any primary. **Motion** by Stephenson, seconded by Olasz to suspend the Rules of Conduct for Legislative Meetings to **Table the Motion** until next month to get more information on the ordinance. Roll Call on the Table: Seven ayes, no nays. Motion carried.

C. ORDINANCE OF THE BOROUGH OF WEST MIFFLIN, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 5 – CODE OF ENFORCEMENT OF THE CODE OF ORDINANCES OF THE BOROUGH OF WEST MIFFLIN AND ORDINANCE NUMBER 1132 ENACTED JUNE 24, 2004 PROVIDING FOR THE ADOPTION OF THE SEVERAL AND VARIOUS 2006 BUILDING CODES.

Motion by Jabbour, seconded by Popovich the ordinance be read. Motion carried. Mr. Bednar read the ordinance. **Motion** by Popovich, seconded by Falce the ordinance be enacted. Roll Call: Seven ayes, no nays. Motion carried. Ordinance given No.1156.

D. RESOLUTION OF THE BOROUGH OF WEST MIFFLIN, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE PROPER DISPOSAL OF CERTAIN RECORDS IN COMPLIANCE WITH THE REQUIREMENTS OF THE RETENTION AND DISPOSITION SCHEDULE FOR RECORDS OF PENNSYLVANIA MUNICIPAL GOVERNMENTS.

Motion by Falce, seconded by Popovich the resolution be read. Motion carried. Mr. Bednar read the resolution. **Motion** by Popovich, seconded by Falce the resolution be adopted. Roll Call: Seven ayes, no nays. Motion carried. Resolution given No. 1169.

E. RESOLUTION OF THE BOROUGH OF WEST MIFFLIN, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE PARTICIPATION BY THE BOROUGH OF WEST MIFFLIN IN THE PACC (PA CAPITAL CITY) AUTOMOTIVE AND EQUIPMENT CONTRACT ADMINISTERED BY THE CITY OF HARRISBURG.

Motion by Popovich, seconded by Falce the resolution be read. Motion carried. Mr. Bednar read the resolution. **Motion** by Falce, seconded by Popovich the resolution be adopted. Under remarks, Mr. Stephenson requested an explanation of the resolution. Mr. Bednar explained that it permits the Borough to piggy-back on other governmental bodies. He said that the 2 trucks under Agenda Item K would fall under this resolution. Roll Call: Seven ayes, no nays. Motion carried. Resolution given No.1170.

F. Motion by Jabbour, seconded by Falce approving the Site Plan for the Rite Aid Development on Lebanon Church Road contingent upon the following conditions:

1. Subdivision plan submissions and approval
2. Recording of Shared Driveway Agreement/Easement.

Roll Call: Seven ayes, no nays. Motion carried.

G. Motion by Falce, seconded by Jabbour approving the McDonalds Site Plan Development on Lebanon Church Road contingent upon the following conditions:

1. Subdivision plan submission and approval
2. Recording of Shared Driveway Agreement/Easement
3. Recording of Easement regarding Payless Property

Roll Call: Seven ayes, no nays. Motion carried.

H. Motion by Popovich, seconded by Jabbour approving a lease agreement with David S. Shrager, Esquire for rental space in the Borough Building effective from March 1, 2008 through December 31, 2010. Roll Call: Seven ayes, no nays. Motion carried.

I. Motion by Popovich, seconded by Jabbour approving the Borough's participation in the Steel Valley Council of Governments joint Cable Television Franchise negotiations with Verizon concerning a Cable Franchise Agreement. Roll Call: Seven ayes, no nays. Motion carried.

J. Motion by Falce, seconded by Popovich authorizing the Cohen Law Group to complete the Cable Franchise Agreement with Comcast at a cost not to exceed \$6,500. Roll Call: Seven ayes, no nays. Motion carried.

- K.** **Motion** by Popovich, seconded by Jabbour authorizing the purchase of two (2) 2008 Peterbilt Chassis, Thiele Deluxe Chor-Boy, Aluminum Dump Body trucks through the City of Harrisburg PACC “piggy-back” contract at a cost of \$112,407 per vehicle paid for from the Capital Projects Fund and authorizing the proper Borough officers to execute all necessary documents. Roll Call: Seven ayes, no nays. Motion carried.
- L.** **Motion** by Popovich, seconded by Falce upholding the Mayor’s suspension without pay of Police Department Employee #299 for violations of the West Mifflin Borough Police Department Rules & Regulations. Roll Call: Seven ayes, no nays. Motion carried.
- M.** **Motion** by Falce, seconded by Jabbour to accept the resignation of Police Officer Charles F. Considine effective January 24, 2008. Under remarks, Mr. Stephenson requested that a letter of appreciation for his many years of service be sent to him. Roll Call: Seven ayes, no nays. Motion carried.
- N.** **Motion** by Falce, seconded by Popovich authorizing the hiring of four (4) patrol officers and to offer employment to the next four applicants as listed on the Civil Service Commission eligibility list for patrol officers, those individuals being Michael Woodburn, Derrick Rodgers, Bryan Concannon and Michelle Piscitella, contingent upon the successful completion and passing of a background check, polygraph examination, medical and psychological examinations. Under remarks, Mr. Olasz stated he justifies his vote against hiring police officers since he is not provided with copies of the background checks. Roll Call: Five ayes, two nays (Olasz, Stephenson). Motion carried.

DEPARTMENTAL REPORTS:

Building Inspection..... Walter B. Anthony

Mr. Anthony read the Building Inspector’s Report for the month of January 2008.

Finance..... Virginia Finnegan

Ms. Finnegan read the Finance Report for the month of January 2008.

Mr. Stephenson requested that Ms. Finnegan include the amount in the Escrow Account in her monthly report.

Mr. Munsie questioned what happens to the escrow money if it is not needed. Mr. Bednar stated that it could go back to the General Fund.

Police..... Joseph Popovich

Chief Popovich read the Police Department Report for the month of January 2008.

Public Works..... James Hess

Mr. Hess read the Public Works Department Report for the month of January 2008.

Mr. Hess reported that Borough residents should remove their cars from the streets during a snow storm to make it more accessible for the plows to clean the streets.

REPORT OF THE MAYOR:

Mayor Andzelik commended Eagle Scout Andrew Hall and reported that he built a 36 foot bridge at the Allegheny County Community College as his project. He reported that an Award Ceremony would take place on Sunday, February 24th at the Elks #11 Lodge.

Mayor Andzelik read a letter from J.C. Penney’s expressing their sincere appreciation for the outstanding service and protection the Police Department has provided them over the past year.

Mayor Andzelik reported there would be a Make A Wish fund raiser at the Coral Lanes and that he would have more information posted on the Borough website.

Mayor Andzelik reported that Duke Jefferson an employee of Whitaker Tire is featured in the Pontiac Magazine for his racing skills.

REPORT OF THE SOLICITOR:

Mr. Adams reported that at the February 11th hearing on Kennywood’s request for Summary Judgment, Judge Luty recused himself from the Kennywood case which means that the Motion for Summary Judgment was not granted and the re-argument has been scheduled for April 7th and the trial date is set for May 7th.

Mr. Olasz produced a transcript from the February 11th hearing and questioned why Mr. Adams argued on 17 different occasions that the matter should go to trial when on Page 19 the Judge's opinion was that the case should be settled. Mr. Adams replied that Mr. Olasz misrepresented his response. He said that when the Judge made that comment he explained to the Judge that over a year and a half ago the Borough had tried to settle the case, however Kennywood wouldn't settle or enter into an agreement as other parks in Pennsylvania have done.

REPORT OF THE ENGINEER:

Mr. Balewski reported that there have been meetings with the property owners on the Webster Avenue wall project and within the next month and a half the agreements should be signed and the job would be started during dry summer conditions and completed before fall.

Mr. Olasz questioned the status of Walker Drive. Mr. Balewski replied that it was a Sewer Authority Project and the contractor is responsible for maintaining the road. He reported that the contractor would make temporary improvements the following day and plans call for the contractor to pave the road in the spring.

Mr. Olasz requested a report on the fill behind the Crossroads Service Station. Mr. Balewski reported that he and Bill Best inspected the property and that the owner plans to apply for a grading permit when the weather breaks. He also stated that the Sewer Authority is satisfied with the project at this point.

REPORT OF THE MANAGER:

Mr. Bednar thanked Mr. Jim Hartman for designing an official West Mifflin Borough Website at no cost to the Borough. He stated that the address is westmifflinborough.com.

ADJOURNMENT:

Motion by Jabbour, seconded by Stephenson that the Meeting be adjourned. Meeting adjourned at 8:20 p.m. prevailing time.