

COUNCIL OF THE BOROUGH OF WEST MIFFLIN met in regular session in the Municipal Building Council Chambers on Tuesday, March 18, 2008 at 6:30 p.m. prevailing time with President William Welsh presiding.

ROLL CALL:

Falce	Present	Olasz	Present
Jabbour	Present	Popovich	Present
Munsie	Present	Stephenson	Present
	Welsh	Present	

Seven members present, absent none. Mayor Andzelik present.

Mr. Welsh reported that the Payment of Bills has been removed from the Agenda this month. He explained that Council did not receive a legible copy of the bills and a new copy would be distributed and a phone poll would be taken to approve the bills. He also reported that a decision was made at the Caucus Meeting to have two Council members initial the bills before they are mailed out. He stated that he has appointed Mrs. Popovich and Mr. Munsie. Mr. Stephenson questioned whether a phone poll is legal to approve the bills. Mr. Adams stated that it is.

CITIZENS COMMENTS ON AGENDA ITEMS:

Diane Stanesic of 2803 Glenny Lane Extension questioned what particular property is involved under Agenda Item A. Mr. Bednar explained that it is to rezone 3 lots; the biggest is occupied by the Second Baptist Church of Homestead. Ms. Stanesic questioned whether it was the same issue as 3 years ago. Mr. Welsh explained that a Public Hearing regarding the rezoning was held on March 12th prior to the Caucus Meeting. Ms. Stanesic asked for an explanation of Agenda Item C. Mr. Bednar explained that the Borough received a request to transfer a liquor license from an establishment in Homestead to the SkyVue Restaurant on Lebanon Church Road to reopen. He stated that a Public Hearing also was held on March 12th and the next step is that Council pass a resolution. Ms. Stanesic also questioned Agenda Item G. Mr. Bednar explained that it pertains to requesting revisions to the traffic signal by the Crossroads Sunoco Station located at Homestead-Duquesne Road and Commonwealth Avenue to provide for a left hand turn arrow.

Richard Olasz of 105 Fifth Avenue directed his questions to Councilman Olasz regarding the Payment of Bills. Mr. Welsh stated that Payment of Bills is not an Agenda Item this month and requested that the meeting move on and asked if there were any other citizens comments on Agenda Items 6 or 7. Hearing none he requested a Motion to Approve the Minutes.

APPROVAL OF MINUTES:

Motion by Jabbour, seconded by Falce that the Minutes of the February 19, 2008 Council Meeting be approved. Roll Call: Six ayes, one no response (Olasz). Motion carried.

AGENDA ITEMS:

A. ORDINANCE OF THE BOROUGH OF WEST MIFFLIN, ALLEGHENY COUNTY, PENNSYLVANIA, APPROVING THE REZONING OF A PARCEL OF LAND DESIGNATED AS LOT & BLOCK 181-P-235 (SAMORIGA PLAN OF LOTS, LOTS 1, 2 AND 3) FROM R-2 MEDIUM DENSITY RESIDENTIAL TO C-1, GENERAL COMMERCIAL.

Motion by Jabbour, seconded by Falce the ordinance be read. Motion carried. Mr. Bednar read the ordinance. **Motion** by Jabbour, seconded by Popovich the ordinance be enacted. Under remarks, Mr. Olasz presented a **Motion** seconded by Stephenson to Suspend the Rules of Conduct for Legislative Meetings for the purpose of tabling the motion to further discuss it with the Solicitor. Mr. Welsh stated this was all discussed at the monthly Caucus Meeting. Roll Call: Three ayes, four nays (Falce, Jabbour, Popovich, Welsh). Motion failed. Under remarks pertaining to the motion to enact the ordinance, Mr. Olasz stated that what went on in privacy is a violation of the Sunshine Law. Mr. Welsh stated that nothing went on in privacy it was an advertised Public Hearing. Mr. Welsh also said that Mr. Olasz could have asked any of his questions had he attended the Public Hearing and the Caucus Meeting. Roll Call: Four ayes, three nays (Munsie, Olasz, Stephenson). Motion carried. Ordinance given No. 1157.

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 FOR EXHIBITION OF POLITICAL SIGNS WITH-IN RIGHTS-OF-WAY AND ON PUBLIC PROPERTY.

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. Roll Call: Six ayes, no nays, one present (Olasz). Motion carried. Ordinance given No.1158.

C. RESOLUTION OF THE BOROUGH OF WEST MIFFLIN, ALLEGHENY COUNTY, PENNSYLVANIA, APPROVING A REQUEST FOR A LIQUOR LICENSE TRANSFER BY SDGA ENTERPRISES, LLC. TO 3230 LEBANON CHURCH ROAD, WEST MIFFLIN, PA 15122 PURSUANT TO ACT 141 OF 2000.

Motion by Falce, seconded by Jabbour the resolution be read. Motion carried. Mr. Bednar read the resolution. **Motion** by Jabbour, seconded by Popovich the resolution be adopted. Roll Call: Seven ayes, no nays. Motion carried. Resolution given No.1171.

D. RESOLUTION OF THE BOROUGH OF WEST MIFFLIN, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING THE PLANNING COMMISSION FEE SCHEDULE INCLUDING THE ADDITION OF PROVISIONS RELATED TO THE PASSING ON OF PROFESSIONAL CONSULTANT REVIEWING FEES.

Motion by Jabbour, seconded by Falce the resolution be read. Motion carried. Mr. Bednar read the resolution. **Motion** by Falce, seconded by Jabbour, the resolution be adopted. Roll Call: Seven ayes, no nays. Motion carried. Resolution given No.1172.

E. Motion by Jabbour, seconded by Falce approving payment from the assets of the appropriate pension plan the following invoices from Rhoades & Wodarczyk for work on the Police and Employees Pension Plans:
Police Pension - Invoice #6387 - \$436.04
Employees Pension - Invoice #6388 - \$436.04
Under remarks, Mr. Stephenson requested that the motion be modified to read that it is the final payment. Council agreed that the motion is to be modified. Roll Call: Seven ayes, no nays. Motion carried.

F. Motion by Popovich, seconded by Falce approving the Regional Trail and Union Railroad simple subdivision located off State Route 837. Roll Call: Seven ayes, no nays. Motion carried.

G. Motion by Popovich, seconded by Falce approving the filing of grant applications with the Commonwealth of Pennsylvania for revisions to the traffic signals at Homestead-Duquesne Road and Commonwealth Avenue to provide for left turn arrows. Roll Call: Seven ayes, no nays. Motion carried.

H. Motion by Falce, seconded by Popovich authorizing the preparation and distribution of a Request for Proposal for the drafting of the Borough Zoning Ordinance. Under remarks, Mr. Olasz referred to the Ordinance under Agenda Item A and questioned what has changed. Mr. Welsh stated that this motion does not refer to Agenda Item A. Mr. Adams stated that Mr. Olasz is questioning Agenda Item A and he realizes this is Agenda Item H; however he would once again explain this to Mr. Olasz. He explained that Agenda Item A is a zoning reclassification and is a totally different issue from the case that went to the Supreme Court involving the ACLU. Roll Call: Six ayes, no nays, one no response (Olasz). Motion carried.

I. Motion by Jabbour, seconded by Falce upholding the Mayor's one (1) day suspension without pay of the police employee number 345 for violations of the West Mifflin Borough Police Department Rules & Regulations. Roll Call: Six ayes, no nays, one no response (Olasz). Motion carried.

- J. Motion** by Falce, seconded by Jabbour upholding the Mayor’s one (1) day suspension without pay of police employee number 525 for violations of the West Mifflin Borough Police Department Rules & Regulations. Roll Call: Six ayes, no nays, one no response (Olasz). Motion carried.

- K. Motion** by Jabbour, seconded by Popovich appointing the law firm of Campbell, Durrant & Beatty as the Borough negotiators for the Police and Teamsters Local #636 Contracts. Under remarks, Mr. Stephenson questioned which law firm had negotiated the Police Contract in the past 10 years. Mr. Bednar replied that Mr. Adams has been involved in the past as well as Campbell, Durrant & Beatty and also Dodaro, Cambest & Associates. Mr. Stephenson questioned if Dodaro, Cambest & Associates had negotiated the last contracts for the Police and the Teamsters. Mr. Bednar replied that they had. Mr. Stephenson stated that he agrees with Council that one law firm should negotiate both contracts, however since everyone was satisfied with Dodaro, Cambest & Associates with the last contracts he feels there is no need to make any changes at this time and that they should be appointed again. Mr. Olasz stated that he concurs with Mr. Stephenson’s comments. Mr. Bednar stated that they are all good firms. Mr. Welsh said that Campbell, Durrant & Beatty have been involved with the Police Department since the situation with the former Police Chief. Roll Call: Five ayes, three nays (Munsie, Olasz, Stephenson). Motion carried.

DEPARTMENTAL REPORTS:

Building Inspection..... Walter B. Anthony

Mr. Anthony read the Building Inspection Report for the month of February 2008.

Mr. Anthony reported that he has started the procedure of tagging abandoned vehicles and he will have a total included in his report next month.

Finance..... Virginia Finnegan

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

Mr. Stephenson questioned whether the Borough had received the refund from the bond refinancing. Ms. Finnegan explained that it was received at the end of December 2007 and deposited into the Capital Projects Funds.

Mr. Olasz questioned if there was a separate amount budgeted for Campbell, Durant & Beatty under legal fees. Ms. Finnegan stated that it is all one lump sum.

Police..... Joseph Popovich

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

Public Works..... James Hess

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

Mr. Hess thanked Jim Hartman for adding the trash and recycling schedule to the Borough Website.

Mr. Hess reported that the Annual Easter Egg Hunt would be held Saturday, March 22, 2008 from 10:30 a.m. until 12:00 noon at the West Mifflin High School.

Mrs. Jabbour reported that recyclables are being stolen from bins throughout the Borough and if anyone sees this happening they should report the license number to the Police.

REPORT OF THE MAYOR:

Mayor Andzelik congratulated West Mifflin High School's WPIAL Wrestling Team for their accomplishments. He stated that James Fleming won the WPIAL Championship for the third time and Sam Sherlock won for the first time. He also reported that Jim Giampa won the Section Championship and Shane Tilves and Anthony Bonacci were WPIAL Qualifiers. Mayor Andzelik also congratulated the Boys and Girls Basketball Teams for their accomplishments. Mr. Stephenson requested that letters from the Mayor and Council be sent to the individuals to congratulate them.

Mayor Andzelik reported that a fence has been installed at the Coparts property on Thompson Run Road which he and the Building Department had requested from the owners to improve the appearance of the area.

Mayor Andzelik reported that the Carnegie Library will be holding a Big Band Jazz Concert on Saturday, April 26th.

Mr. Bednar reported that a Business Expo would take place at Century III Mall on Saturday, April 5th between the hours of 1:00 and 7:00 p.m. and the Borough would be participating.

Mayor Andzelik reported the School District is sponsoring a Family Literacy Night at the Early Childhood Education Center on Wednesday, April 9th from 6:30 p.m. until 8:00 p.m.

Mayor Andzelik reported that the Annual Pittsburgh Walk MS, would take place on April 20th at Heinz Field.

Mayor Andzelik reported that PRISM Health Service was dispatched 267 times in the month of February 2008.

REPORT OF THE SOLICITOR:

Mr. Adams read from one of the ten pages where Judge Ambrose found Mr. Olasz's First Amendment right to free speech was not violated at the March 2004 and the May 2004 Meetings in the case of Richard Olasz, Sr. vs. William Welsh, Frank Diener and David Haines. He stated that in the June 25, 2007 opinion, Judge Ambrose gives the roadmap of how the Council Meetings should be conducted and tonight's meeting is not how the meetings should be conducted.

Mr. Welsh called for a Motion to Adjourn.

ADJOURNMENT:

Motion by Jabbour, seconded by Falce that the Meeting be adjourned. Meeting adjourned at 7:45 p.m. prevailing time.