

COUNCIL OF THE BOROUGH OF WEST MIFFLIN met in regular session in the Municipal Building Council Chambers on Tuesday, May 20, 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.

CITIZENS COMMENTS ON AGENDA ITEMS:

Diane Stanesic of 2803 Glenny Lane Extension questioned Agenda Item H. Mr. Welsh stated that the judge has not yet signed the consent order. He said Ms. Stanesic would be permitted to comment, however her comments would be limited to the Solicitor's approval. Ms. Stanesic stated that she has commented on the Kennywood lawsuit numerous times as to why Council couldn't settle with Kennywood which she stated should have been settled two years ago. Mr. Adams replied that he along with Council spent an entire day in front of Judge Folino and Mr. Welsh added that both parties compromised.

James Jasinski of 4100 Home Street questioned whether the Workplace Safety Program under Agenda Item B is run through OSHA and also would there be any cost to implement the program. Mr. Bednar explained that the Borough is not under OSHA and if the Borough creates a safety program there is a 5% reduction on the Workman's Compensation Insurance Policy. He also said that the Workman's Compensation carrier would provide the training at no cost. Under Agenda Item E he questioned what the cost of rock salt was for last year. Mr. Bednar stated that last season we paid \$42.93 a ton and that they are projecting a 4% increase that would go to \$44.65 a ton for the 2008-2009 season. Under Agenda Item H he questioned whether the raise of 1 mill would be rescinded since the Kennywood case has been settled. Mr. Welsh stated that the settlement amount is only one half of the 1 mill increase and that reducing the millage is not an option. Mr. Stephenson stated that we have not received the money yet and it is not appropriate to say what would be done with the money at this time.

Harry Thompson of 6679 Adams Avenue commented that under Agenda Item A the Franchise Fees are passed onto the subscribers every time there are negotiations. Mr. Welsh replied that the cable companies would like no Franchise Fees which would mean anyone could come into the Borough and set up service and if the Borough doesn't have a Franchise Agreement any legal battles would be lost.

Fred Barker of 243 Belmont Avenue questioned under Agenda Item H what the total cost of the legal fees are for the Kennywood lawsuit. Mr. Bednar stated that at this time he does not have a total. Mr. Barker requested a figure for the next Council Meeting.

APPROVAL OF MINUTES:

Motion by Popovich, seconded by Falce that the Minutes of the April 15, 2008 Council Meeting be approved. Under remarks, Mr. Olasz stated that in his opinion the Minutes are wrong. He said that he continuously votes against the Payment of Bills because of the way they are presented and that the reason there was no response by him under the Payment of Bills is because Mr. Welsh was talking over him. Mr. Welsh replied that was not the case. Mr. Olasz also said that when Mr. Bednar did a telephone poll to approve the March 2008 bills he voted no. He said he would like his vote on Agenda Item E changed to a no vote and Agenda Item F to a yes vote and that provided the changes are made he would vote yes to approve the April 15, 2008 Minutes. No motion was made to change the April 15, 2008 Minutes and Mr. Welsh requested a roll call: Roll Call: Six ayes, one nay (Olasz). Motion carried.

PAYMENT OF BILLS:

Motion by Jabbour, seconded by Falce that all bills properly approved by the Finance Committee be paid. Under remarks, Mr. Olasz questioned why former Officer Nyapas was paid \$140.00 for a court appearance after he resigned his position. Chief Popovich stated that he was subpoenaed and had to appear in court on an arrest from when he was employed by the Borough. Roll Call: Six ayes, one nay (Olasz). Motion carried.

AGENDA ITEMS:

A. RESOLUTION OF THE BOROUGH OF WEST MIFFLIN, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE BOROUGH OF WEST MIFFLIN'S PARTICIPATION IN THE STEEL VALLEY COUNCIL OF GOVERNMENTS JOINT VERIZON CABLE FRANCHISE AGREEMENT NEGOTIATIONS.

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. Olasz questioned the amount of money the Borough would receive by participating. Mr. Bednar replied that the standard fee is 5% of their gross revenues. Roll Call: Seven ayes, no nays. Motion carried. Resolution given No.1174.

B. RESOLUTION OF THE BOROUGH OF WEST MIFFLIN, ALLEGHENY COUNTY, PENNSYLVANIA, ESTABLISHING A WORKPLACE SAFETY COMMITTEE AND SETTING FORTH THE NAMES AND TERMS FOR MEMBERS ON SAID COMMITTEE.

Motion by Popovich, seconded by Falce the resolution be read. Motion carried. Mr. Bednar read the resolution. **Motion** by Munsie, seconded by Popovich the resolution be adopted. Under remarks, Mr. Olasz questioned the procedure for appointing a Public Works Department representative. Mr. Hess explained that a notice was posted for volunteers and 7 employees signed up and they agreed that it should be Leonard Milko. Mr. Stephenson requested a report stating the amount of savings on the insurance policy. Mr. Bednar stated that the program doesn't go into effect until the 2009 Policy and he would provide that in the future. Roll Call: Seven ayes, no nays. Motion carried. Resolution given No.1175.

C. Motion by Popovich, seconded by Falce authorizing the hiring of Donna Dugan as a Part-Time Dispatcher at an hourly rate of \$14.13 contingent upon a background check by the Police Department and proper certifications. Under remarks, Mr. Olasz stated that as in the past he would vote no since he has not seen a FBI background check. Chief Popovich stated that everything has been done correctly and legally. He said that the Police Department goes through the State for background checks and is not required to have the Federal background check. Mr. Stephenson questioned Mr. Adams for a legal opinion on the hiring. Mr. Adams stated that the Borough is in compliance with the background check. Roll Call: Six ayes, one nay (Olasz). Motion carried.

D. Motion by Popovich, seconded by Munsie authorizing payment from the appropriate pension plan assets the following invoices from the Mockenhaupt Benefits Group for actuarial and administrative services:
Employees Pension Plan - Invoice #24364 - \$8,431.00
Police Pension Plan - Invoice #24365 - \$6,367.00
Roll Call: Seven ayes, no nays. Motion carried.

E. Motion by Jabbour, seconded by Munsie authorizing the Borough's participation in the Council of Governments Joint Purchasing Alliance Rock Salt Purchasing Program for the 2008-2009 winter season. Roll Call: Seven ayes, no nays. Motion carried.

F. Motion by Popovich, seconded by Falce authorizing the purchase of three (3) 2009 Ford Crown Victoria's from Day Chevrolet through the Central Westmoreland Council of Governments Cooperative Purchasing Program 07-MV-007-008 at an estimated total cost of \$28,000 per vehicle after trade-ins with payment from the Federal Forfeiture Assets Fund and Police Vehicle Fund. Under remarks, Mr. Olasz questioned what the balance would be on the account. Ms Finnegan replied that there is \$66,982 in the Federal Forfeiture Account and

there would be approximately \$10,000 left in the account. Mr. Bednar explained that 2 vehicles are coming from the forfeiture account and 1 from a special police vehicle account where the Borough received a donation from General Motors back in 1998 when 25 vehicles were leased. Roll Call: Seven ayes, no nays. Motion carried.

G. Motion by Jabbour, seconded by Popovich awarding the contract for the re-drafting of the Borough Zoning Ordinance and Map to Pashek Associates as per their proposal submitted at a cost of \$13,900. Roll Call: Seven ayes, no nays. Motion carried.

H. Motion by Popovich, seconded by Munsie approving the Consent Order in Kennywood Entertainment Partners, L.P. vs. Borough of West Mifflin, Court of Common Pleas of Allegheny County, No.GD-05-026900, to be submitted to the Court. Under remarks, Mr. Olasz questioned whether the Consent Order is confidential. Mr. Adams stated that if it passes it becomes public record, however it still has to be submitted to Kennywood and their attorneys and then to the judge. He also stated that one of the provisions in the Consent Order is a non-disparagement clause requested by Kennywood and he cautioned all seven Council members to choose their words carefully when discussing this matter. Roll Call: Six ayes, one no response (Olasz). Motion carried.

DEPARTMENTAL REPORTS:

Building Inspection..... Walter B. Anthony

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

Mr. Anthony reported that he has implemented a procedure regarding the Zoning Hearing Board where Council now receives a memo stating the cases on the agenda and after the hearings Council is notified of the decisions of the hearings.

Mr. Stephenson requested a report on the Schuster case which was discussed prior to the Meeting on the Citizens Agenda. Mr. Anthony replied that he would put together a synopsis of the case. Mr. Welsh requested that all of Council receive a copy of the report.

Mr. Olasz questioned the status of the grading behind the Crossroads Service Station in the Homestead-Duquesne Road area. Mr. Anthony reported that a Stop Work Order has been issued. He said that the applicant has paper work to file with the DEP and that he would be doing a site investigation with them.

Finance..... Virginia Finnegan

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

Mr. Olasz questioned the status of the 2007 Audit Report. Ms. Finnegan reported that it is substantially complete and that the auditors were waiting the outcome of the Kennywood case.

Mr. Olasz questioned why there isn't a line item under legal expenses for Adams & Foley. Ms. Finnegan explained there is more than one firm under the legal expense item and it is not broken down. Mr. Olasz said he is concerned because one-third of the budgeted amount has already been used. Ms. Finnegan said that the budgeted amount could be right on target since one-third of the year is over.

Police..... Joseph Popovich

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

Public Works..... James Hess

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

Mr. Stephenson questioned if the paving list has been publicized. Mr. Bednar stated it would be added to the Borough website.

Mr. Olasz requested that Mr. Hess meet with the Safety Committee to discuss putting a Warning sign up at the intersection of Greensprings Avenue and Duquesne Avenue. Mr. Hess stated that it is a dangerous intersection and that there are already Yield signs posted.

REPORT OF THE MAYOR:

Mayor Andzelik thanked resident Mathew J. Zacca for his many hours of volunteer work at the Carnegie Library of Homestead.

Mayor Andzelik congratulated the West Mifflin Varsity and Middle School Cheerleaders for taking 1st Place at the Kings Dominion Championship. He also congratulated the West Mifflin Titan Baseball Team for winning the Section 4 AAA Championship.

Mayor Andzelik reported he attended the DARE Program on May 15th at Clara Barton Elementary School headed by Officer Jim Farrell.

Mayor Andzelik reported that Officer Wayne Even is in charge of reporting any streetlight outages to Duquesne Light Company.

Mayor Andzelik recommended that all residents should contact the DEP and apply for Mine Subsidence Insurance.

REPORT OF THE SOLICITOR:

Mr. Adams congratulated Council on the successful and amicable resolution to the Kennywood litigation and he also complimented Judge Ronald Folino who mediated the case.

Mr. Stephenson stated that he is proud of the fact that Council and Mr. Adams worked together as one and did what was best for the Borough.

Mrs. Jabbour stated that she was happy that everyone came together to solve this matter.

Mr. Olasz commented that this is something that should never have occurred. After considerable discussion, Mr. Welsh called for a motion to adjourn.

ADJOURNMENT:

Motion by Jabbour, seconded by Falce that the Meeting be adjourned. Meeting adjourned at 8:15 p.m. prevailing time.