

**COUNCIL OF THE BOROUGH OF WEST MIFFLIN** met in regular session in the Municipal Building Council Chambers on Tuesday, July 15, 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:**

**Jim Jasinski** of 4100 Home Street commented on Agenda Item B stating that he is in favor of the details listed under the resolution and questioned why other items didn't have expenditure details. Mr. Welsh explained that these are grant requests and not expenditures and that none of the other Agenda Items have expenditures.

**Mayor Andzelik** reported that on June 30, 2008 he vetoed Ordinance No. 1159 enacted at the June 23, 2008. He stated that according to the Pennsylvania Borough Code the veto should be recorded at the next regular Council Meeting. He went on record making it an official veto of Ordinance No. 1159.

Mr. Stephenson stated that the veto can be overturned by Council if they so wish and he questioned whether the veto should be voted on by Council to see where they stand. Mr. Welsh replied that Council has the option of voting to override the Mayor's veto at tonight's Council Meeting or call a special meeting within 10 days of this date to vote to override the veto. Mr. Stephenson stated that he would like the rules suspended in order to make a motion to uphold the Mayor's veto.

**Motion** by Stephenson, seconded by Olasz to suspend the Rules of Conduct for Legislative Meetings. Roll Call: Four ayes, three nays (Falce, Jabbour, Welsh). Motion carried.

**Motion** by Stephenson, seconded by Olasz to uphold the Mayor's veto of Ordinance No. 1159. Under remarks, Mr. Adams explained that the only reason to take action would be to override the Mayor's veto not to uphold it. Mr. Munsie asked if Council takes no action tonight what happens with the Ordinance. Mr. Adams stated that as of this evening the Mayor's veto is in effect, however it is Council's discretion to vote to override the veto within the next 10 days. Mr. Stephenson stated by his motion he would like to put the issue to rest this evening. Mr. Adams explained that the Mayor's veto stands on its own and a motion to uphold the veto is not required. Mr. Olasz suggested as a matter of record that a vote be taken. Mr. Adams explained further that the veto stands unless Council convenes a special meeting within the next 10 days for the purpose of overriding the veto, after 10 days the veto continues to stand. Mr. Stephenson questioned why Mr. Adams did not stop him when he made the motion to suspend the rules. Mr.

Adams replied that he was under the impression that Mr. Stephenson was planning to make a motion to override the Mayor's veto which is proper; however a motion to uphold the Mayor's veto is procedurally unnecessary. Mr. Welsh stated that the Ordinance was discussed at the June Caucus Meeting and there were clearly 5 yes votes in favor of the Ordinance at that meeting. He said that the Ordinance would not have even been an Agenda Item at the June Legislative Meeting if 5 people weren't completely in favor of it, however someone changed their mind. Mr. Welsh did not recognize the motion and there was no roll call.

#### **APPROVAL OF MINUTES:**

**Motion** by Jabbour, seconded by Popovich that the Minutes of the June 23, 2008 Council Meeting be approved. Roll Call: Six ayes, one nay (Olasz). Motion carried.

#### **PAYMENT OF BILLS:**

**Motion** by Popovich, seconded by Munsie that all bills properly approved by the Finance Committee be paid. Under remarks, Mr. Munsie questioned why two particular legal bills were not in the packet for approval by the Finance Committee. Mr. Bednar replied that any bills that deal with litigation do not leave the office. Mr. Olasz questioned why they are not available to Council. Mr. Adams stated that any Council person can go to Mr. Bednar's office and review the bills; however they are not to be copied and sent out to everyone because there is attorney-client privilege information in there. Roll Call: Five ayes, one nay (Stephenson), one no response (Olasz). Motion carried.

#### **AGENDA ITEMS:**

**A. RESOLUTION OF THE BOROUGH OF WEST MIFFLIN, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING AN INTERGOVERNMENTAL COOPERATIVE AGREEMENT (ICA) TO CONDUCT A MULTI-MUNICIPAL COMPREHENSIVE PLAN FOR MUNICIPALITIES IN THE ROUTE 51 CORRIDOR.**

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**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.1176.

**B. RESOLUTION(S) OF THE BOROUGH OF WEST MIFFLIN, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE FILING OF COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATIONS WITH THE ALLEGHENY COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT REQUESTING FUNDING FOR THE FOLLOWING PROJECTS:**

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<b>Beech Alleyway Reconstruction – Materials Only</b>	<b>-\$ 5,891</b>
<b>Chestnut Alleyway Reconstruction – Materials Only</b>	<b>-\$ 3,614</b>
<b>Elmore Avenue Reconstruction –Materials Only</b>	<b>-\$10,000</b>
<b>First Avenue Reconstruction – Materials Only</b>	<b>-\$ 6,732</b>
<b>Spring Street Reconstruction – Materials Only</b>	<b>-\$ 5,792</b>
<b>Spruce Alleyway Reconstruction – Materials Only</b>	<b>-\$ 6,732</b>
<b>Demolition Projects - \$31,000</b>	
<b>3209 Garfield Avenue</b>	<b>3722 Greensprings Avenue</b>
<b>108 Homestead Avenue</b>	<b>325 Virginia Avenue</b>

**Motion** by Jabbour, seconded by Popovich the resolution(s) be read. Motion carried. Mr. Bednar read the resolution(s). **Motion** by Munsie, seconded by Falce the resolution(s) be adopted. Roll Call: Seven ayes, no nays. Motion carried. Resolution(s) given No.'s 1177-1183.

- C.** **Motion** by Popovich, seconded by Falce authorizing payment from the assets of the Police Pension Plan Mockenhaupt Benefits Group Invoice #24513 in the amount of \$250.00 for consulting, actuarial and administrative services. Roll Call: Seven ayes, no nays. Motion carried.
- D.** **Motion** by Jabbour, seconded by Popovich approving the donation of one (1) old and non-useable by the West Mifflin Police Department vehicle radio system to the Borough of Whitaker. Under remarks, Mr. Welsh stated that there are no expenditures on this item. Roll Call: Seven ayes, no nays. Motion carried.
- E.** **Motion** by Munsie, seconded by Stephenson to ratify the Mayor's Proclamation of Disaster Emergency as proclaimed for the period beginning Sunday, June 19<sup>th</sup> 2008 in regards to the Verizon phone line outage affecting parts of West Mifflin Borough. Roll Call: Seven ayes, no nays. Motion carried.
- F.** **Motion** by Falce, seconded by Popovich approving the Spartz Subdivision Plan as recommended by the Planning Commission. Roll Call: Seven ayes, no nays. Motion carried.
- G.** **Motion** by Falce, seconded by Popovich approving the Sovran Acquisition Limited Partnership consolidation plan as recommended by the Planning Commission. Roll Call: Seven ayes, no nays. Motion carried.
- H.** **Motion** by Falce, seconded by Popovich approving the Sovran Acquisition Limited Partnership Site Plan for the construction of a self storage building at State Route 885 (Lebanon Road) and Lebanon Church Road as recommended by the Planning Commission with the following conditions:
  1. Receipt of a Highway Occupancy Permit from the Pennsylvania Department of Transportation.

2. Final Approval of the West Mifflin Sanitary Sewer Municipal Authority related to the sanitary sewer plans.
3. Federal Aviation Administration approval of the lighting plan.
4. Submission of fire hydrant testing information to the Borough of West Mifflin.
5. Inclusion of hazardous and explosive materials signage on the property and commensurate rules and regulations governing the storage facility.

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

**I. Motion** by Popovich, seconded by Falce approving the Transtar (Regional Trail and Union Railroad Plan, 1<sup>st</sup> Revision) subdivision as recommended by the Planning Commission with the following conditions:

1. Approval of the corresponding subdivision plan by the City of Duquesne.
2. Recording of the simple subdivision previously sought from the Borough of West Mifflin and approved in March of 2008.

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

**DEPARTMENTAL REPORTS:**

**Building Inspection..... Walter Anthony**

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

Mr. Olasz requested that Mr. Anthony keep him posted about a dangerous situation on Route 885.

**Finance..... Virginia Finnegan**

Mr. Bednar read the Finance Report for the month of June 2008.

Mr. Munsie questioned whether the Capital Project Fund balance reflects expenditures approved up until tonight’s meeting, such as street paving. Mr. Bednar explained that the street paving is paid out of the General Fund and is reimbursed from the Capital Project Fund.

Mr. Olasz questioned the status of the 2007 Audit. Mr. Bednar reported that the Auditor’s have filed the State Audit Report, the report that the Borough receives has not

been received yet because the Auditor's are waiting for the Audit Letter from the Solicitor which is tied into the settlement with Kennywood.

**Police..... Joseph Popovich**

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

Mr. Stephenson questioned why Council was not notified of a lawsuit that was referenced in a July 5<sup>th</sup> Tribune Review article which according to the newspaper article states the lawsuit was filed on March 25, 2008. He said that the article reported the attorney handling the case is Edmund Joyal and he questioned who this attorney is. Mr. Adams replied that he was retained through the insurance company. Mr. Bednar replied that the Borough received notice in March that a suit was filed but it did not say what the suit was for. He said that it was not until after the newspaper article came out that the Borough received in the mail the filings by the plaintiffs as to the details of the suit. He stated that the insurance company attorney filed the proper documents to force them to release the details. Mr. Welsh stated that no one on Council received official notification. Mr. Munsie commented that he would like to have known about the lawsuit before he read about it in the newspaper and he stated he hoped that would be changed from this point forward. Mr. Stephenson and Mr. Olasz agreed with Mr. Munsie's request to be notified of all litigation. Mr. Bednar stated that in the future he will send any notices of litigation to all of Council and the Mayor.

Mr. Olasz questioned who authorized Mr. Adams to draft the Ordinance that Chief Popovich proposed regarding the establishment of an Assistant Chief and a Deputy Assistant. Mr. Adams explained that the majority of Council present at the Caucus meeting decided to have Mr. Shimko who was representing his office draft the Ordinance.

**Public Works..... James Hess**

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

Mr. Welsh called for a motion to adjourn.

**ADJOURNMENT:**

**Motion** by Jabbour, seconded by Falce that the Meeting be adjourned. Meeting adjourned at 7:25 p.m. prevailing time.