

**COUNCIL OF THE BOROUGH OF WEST MIFFLIN** met in regular session in the Municipal Building Council Chambers on Tuesday, September 16, 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	Absent
	Welsh	Present	

Seven members present, absent one (Stephenson). Mayor Andzelik present.

Mr. Stephenson arrived after Roll Call.

Mr. Olasz requested a ten minute recess for an Executive Session to discuss an issue that was brought to his attention late this afternoon. Mr. Welsh replied that they could meet after the meeting. Mr. Olasz stated that if his request is not met then he will make the issue public during the meeting.

**CITIZENS COMMENTS ON AGENDA ITEMS:**

**Diane Stanesic** of 2803 Glenny Lane Extension stated that on September 15<sup>th</sup> she had faxed a request to the Borough Manager requesting an Executive Session with Council to discuss a personal matter. Mr. Bednar replied that he is not in a position to schedule or grant Executive Sessions with Council and that it would have to be approved by the Council President. She requested that she be granted an Executive Session the following month. Mr. Welsh replied that Council doesn't schedule personal Executive Sessions with citizens and he stated that he doesn't plan on starting a new trend. He recommended that she call whomever she would like to speak with about her personal matter.

**APPROVAL OF MINUTES:**

**Motion** by Munsie, seconded by Falce to approve the Minutes of the August 19, 2008 Council Meeting. Under remarks, Mr. Olasz stated that Agenda Item G approved Payment Request #1 for \$31,500 to Tedesco Construction Company for work completed on the Webster Avenue Retaining Wall Project and he questioned a memo he received stating a problem has arisen regarding the soil beneath the slide area and that it has been found to be unstable and unsuitable to build the wall that was bid out. He questioned why the payment was made in August for \$31,500 and why the Engineer reported that the job was ¼ of the way completed. Mr. Balewski replied that the contract was divided into numerous pieces and that a ¼ of the work was the cleaning and the preparation and that work is all done and needed to be done to do further tests. He said that it was at that point the soil was found to be unacceptable. Mr. Stephenson questioned whether the project has been stopped. Mr. Balewski replied that it has been stopped and will continue once it has been decided what would be the best way to continue. Mr. Welsh stated that he reacted to the situation as soon as Mr. Balewski informed him of the problem by informing Mr. Bednar to immediately send a memo to Council and also by contacting

Senator Costa. Senator Costa said he would be calling Allegheny County Councilman Bob Macey since they were both integral in getting this project going and he notified Mr. Bednar to get the information out to Council right away. He stated that Senator Costa informed him that he would do what he could to make the project work. He also stated that Mr. Balewski was planning to give an update on this under the Report of the Engineer, however since it is being discussed now he requested that Mr. Balewski continue with more information. Mr. Balewski stated that the West Mifflin Community Foundation did the initial engineering work, which included a geotechnical study that recommended sloping the property from house to house which the property owners weren't enthusiastic about that option so Mr. Macey had an engineer design a wall. Mr. Balewski indicated that a number of assumptions were made from the geotechnical report done by the West Mifflin Community Foundation, however in the last few weeks it was determined that some of the assumptions were wrong and that continuing the wall under those assumptions would not guarantee that the wall would not fall. He also reported that the new tests are showing that the soil underneath the slide shows signs of a previous slide and that no one knows how long ago that happened. He reported that the soil is not stable enough to build a wall and he said that additional tests results are due back next week. Mr. Welsh stated that the contractor brought in their geotechnical engineer who discovered the problem and relayed the information to Mr. Balewski, and it was then that Mr. Balewski had other tests done that confirmed the contractor's findings. Mr. Balewski said that the \$31,500 was money well spent to clean the hillside of everything that has fallen down over the past 4 years and the work would have had to be done no matter what wall design is used. Mr. Olasz questioned whether there is a sufficient amount of money to continue and complete the job. Mr. Balewski said he can't answer that until he knows what wall design can be built. Mr. Olasz asked what would happen if we get a substantial amount of rain. Mr. Balewski said that it should react better than it would have in the past since gullies and low spots that retained water for the last 4 years are gone and there would be less water seeping into the ground. He stated that it is something that he has to pay attention to, however overall it is better now than it has been in the last 4 years.

Mr. Olasz also stated that under the Mayor's Report in the August 19th Minutes, Ordinance No. 1159 is referred to by the ordinance number and he said that the Minutes need to be changed to explain that the Ordinance was to create positions of Assistant Chief of Police and Deputy Assistant Chief of Police. Mr. Welsh stated that it is fine the way it is written using the number of the ordinance. Roll Call: Six ayes, one nay (Olasz). Motion carried.

## **PAYMENT OF BILLS:**

**Motion** by Munsie, seconded by Jabbour that all bills properly approved by the Finance Committee be paid. Under remarks, Mr. Olasz read a statement from the August 19<sup>th</sup> Minutes where Mr. Welsh stated that the Safety Committee made the authorization for Ordinance No. 1159. Mr. Welsh responded that at the time he thought that Mr. Olasz was referring to the creating and advertising of the ordinance for the No Parking Signs on the streets and he clarified that the Safety Committee had nothing to do with Ordinance No. 1159. Mr. Olasz questioned several of Mr. Adams bills and said that he is entitled to a detailed explanation. Mr. Adams stated that the total amounts of his bills are public record; however he as an individual councilperson is not entitled to the detailed billing because it is attorney client privileged information. Mr. Adams said that Mr. Olasz made it clear that he was supportive of Kennywood throughout the litigation and that he is not entitled to the details. He said that Mr. Olasz is leaving a false impression that he is doing something wrong and cautioned him again that he is treading on thin ice.

Mrs. Popovich said that as a member of the Finance Committee she did not receive the bills to approve from the checks that were cut on September 11<sup>th</sup> and therefore, would be voting no on the motion to pay the bills until she authorizes them. Mr. Stephenson questioned why she had not received them. Mr. Munsie remarked that he is still holding them because he had some questions.

Mr. Stephenson questioned why Mr. Adams and Mr. Shimko would both be billing for the same meetings. Mr. Adams replied that it is a fair question and explained that he assigns Mr. Shimko to do legal research, which is more cost effective and he assured Mr. Stephenson that it is not duplicate billings. Roll Call: No ayes, seven nays. Motion failed.

## **AGENDA ITEMS:**

**A. RESOLUTION OF THE BOROUGH OF WEST MIFFLIN, ALLEGHENY COUNTY, PENNSYLVANIA, SUPPORTING THE RELEASE OF ADMINISTRATIVE FUNDS TO THE STEEL VALLEY COUNCIL OF GOVERNMENTS FROM ALLEGHENY COUNTY FOR THE ADMINISTRATION OF THE COMMUNITY DEVELOPMENT GRANT PROGRAM.**

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**Motion** by Popovich, seconded by Falce 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.1185.

**B. Motion** by Munsie, seconded by Popovich authorizing the purchase of two (2) new Henderson ten foot snow-plows through a “piggy-back” on the PACC (Pa Capital City Contract) administered by the City of Harrisburg at a total cost of

\$16,210.88 with payment from the Capital Projects Fund. Roll Call: Seven ayes, no nays. Motion carried.

**C. Motion** by Popovich, seconded by Falce awarding the bid for the purchase of a new Ingersoll-Rand, Platinum Series Model P185WJD Air Compressor to Absolute Equipment at a cost of \$13,700 with payment from the Capital Projects Fund. Roll Call: Seven ayes, no nays. Motion carried.

**D. Motion** by Jabbour, seconded by Popovich approving the donation of one (1) outdated computer server to the Borough of Whitaker Police Department. Roll Call: Seven ayes, no nays. Motion carried.

**DEPARTMENTAL REPORTS:**

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

Mr. Anthony read the Building Inspector's Report for the month of August 2008.

Mr. Anthony reported that an opening on the Building & Fire Code Appeals Board has been advertised and that letters of interest will be accepted until October 10, 2008.

Mr. Olasz questioned the status of the situation behind the Crossroads Service Station in the Homestead-Duquesne Road area. Mr. Anthony stated that he and Mr. Hess went to the site and were to meet with a representative from PENNDOT to have some questions answered; however the representative did not show up. He stated that he is trying to get the meeting rescheduled and also that the owner of the service station indicated that at night there are people dumping on property that belongs to Duquesne Light Company. Mr. Olasz requested that Mr. Anthony notify Duquesne Light Company of the dumping.

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

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

Mr. Munsie questioned where the Kennywood settlement money was deposited. Ms. Finnegan reported that it has been invested in CD's with a 3.83% rate through PLIGT to mature in February 2009, which is a higher rate than National City Bank offered.

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

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

Chief Popovich reported that this afternoon he and Mayor Andzelik sponsored a Western Pennsylvania Chiefs of Police Luncheon Meeting at Westwood Golf Club. He indicated that the luncheon was paid for by donations from Traffic Systems Incorporated, Mobile Radio and Wal-Mart. He said it was attended by 75 Police Chiefs along with 15 other

guests. Mayor Andzelik said that this is the first time West Mifflin has sponsored the meeting and he hopes that it can be done again.

Mr. Olasz questioned whether there would be any compensation for the Police Officers who participated in the Crime Watch Parade. Chief Popovich replied that there would be compensation.

Mr. Olasz said that he received notification late this afternoon that an individual is being denied health benefits and that this is why he requested a ten minute Executive Session. Mr. Adams advised that it is a personnel issue and should not be discussed or commented on.

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

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

Mrs. Jabbour requested that the chains on the swings at the Community Park be replaced and that new dumpsters be purchased. Mr. Hess replied that the dumpsters have already been ordered, however he was not aware that the chains needed replaced and he would take care of that also.

**REPORT OF THE MAYOR:**

Mayor Andzelik thanked everyone that was involved with the Crime Watch Parade/Community Day and he reported it was a huge success.

Mr. Olasz asked Mayor Andzelik for confirmation that he was opposed to creating the positions of Assistant Chief and Deputy Assistant Chief prior to the drafting of Ordinance 1159. Mayor Andzelik replied that he was opposed.

Mrs. Jabbour questioned the cost of the fireworks display on Community Day. Mayor Andzelik replied that the total cost is \$10,000. He reported that Wal-Mart committed to donating \$5,000 and that he had previously received \$1,100 and is expecting additional donations from other corporations.

**REPORT OF THE SOLICITOR:**

Mr. Adams reported that the Olasz vs Welsh case has been ordered submitted on brief to the United States Court of Appeals for the Third Circuit on September 29<sup>th</sup> without oral argument. He stated that it is the case where Mr. Olasz sued over procedure, which is the same case where Judge Ambrose wrote the detailed opinion that Mr. Olasz should not hijack the Council Meetings. He also said that he is very confident that Judge Ambrose would be totally dismayed that Mr. Olasz has totally ignored and disregarded that decision and that the decision had no impact on him whatsoever. Mr. Olasz stated that he has the right to appeal.

Mr. Welsh called for a Motion to Adjourn

**ADJOURNMENT:**

**Motion** by Jabbour, seconded by Falce that the Meeting be adjourned. Meeting adjourned at 7:20 p.m. prevailing time.