

COUNCIL OF THE BOROUGH OF WEST MIFFLIN met in regular session in the Municipal Building Council Chambers on Tuesday, October 21, 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 absent.

CITIZENS COMMENTS ON AGENDA ITEMS:

Mr. Olasz requested a point of personal privilege and said he would like to put a motion on the floor to suspend the rules. Mr. Welsh denied his request stating that there is a citizen waiting to speak on the Agenda and that the meeting would follow the Agenda.

Diane Stanesic of 2803 Glenny Lane Extension questioned what time the video tape system begins to tape the Council Meetings. Mr. Bednar stated that it is pre-programmed to begin at 6:30 p.m. She also questioned Agenda Item A. Mr. Bednar explained that it is State Pension Aid that the Borough receives each year based on units. He stated that the Borough receives 2 units for every police officer and 1 unit for every other employee which explains the breakdown on Agenda Item A. Ms. Stanesic stated that she would like to see Council take the Mayor's recommendation under Agenda Item G. Mrs. Jabbour questioned how Ms. Stanesic would know what the Mayor's recommendation is when it was only discussed at an Executive Session. Mr. Olasz stated that he passed out the information since it was not marked confidential. Mrs. Jabbour remarked that every discussion at an Executive Session is confidential whether it is marked or not.

Jim Jasinski of 4100 Home Street questioned the plan of attack for Agenda Item F and whether there were any core borings done since the last Council Meeting. Mr. Balewski stated that no other core borings have been done since the original study was done. He said that more testing of the material where the wall foundation was to be laid has been done. He said they are looking at other options and that the contractor is not going to be able to build a wall at this time. Mr. Jasinski questioned whether the Borough was footing the bill. Mr. Welsh stated that the Borough was not involved in any of the preliminary steps and that the Borough is not footing the bill.

John Koczka of 4333 Everlawn Street questioned the items under Agenda Item B. Mr. Bednar replied that there are two (2) 1974 Mack dump trucks, one (1) 1996 Chevy Astro Van, and one (1) air compressor. Mr. Koczka also questioned Agenda Item E. Mr. Bednar explained that it is a simple sub-division between two property owners. Under Agenda Item D, Mr. Koczka commented that he doesn't understand what the need is for all the modular classrooms in the school district. Mrs. Popovich replied that it is a private school. Mr. Koczka questioned Agenda Item G asking what the violations are.

Mr. Welsh said that it would not be discussed since it is a personnel issue. Mr. Adams stated that it is not proper for citizen comment.

APPROVAL OF MINUTES:

Motion by Popovich, seconded by Jabbour that the Minutes of the September 16, 2008 Council Meeting be approved. Roll Call: Six ayes, one nay (Olasz). Motion carried.

PAYMENT OF BILLS:

Motion by Munsie, seconded by Popovich that all bills for September and October properly approved by the Finance Committee be approved. Under remarks, Mr. Olasz read a letter he wrote to Mr. Adams dated October 1, 2008 requesting detailed billing information on the Kennywood litigation. Mr. Adams responded that he has answered three out of four of Mr. Olasz's letters stating that he and his lawyer are incorrect and that Mr. Olasz just doesn't like that answer. Roll Call: Six ayes, no nays, one no response (Olasz). Motion carried.

Mrs. Popovich made a statement that she and Mr. Munsie have been appointed by Mr. Welsh to the Finance Committee and they have seen the itemized bills from Mr. Adams and they have both approved them.

AGENDA ITEMS:

- A. RESOLUTION OF THE BOROUGH OF WEST MIFFLIN, ALLEGHENY COUNTY, PENNSYLVANIA, ALLOCATING THE 2008 COMMONWEALTH ALLOCATION OF GENERAL MUNICIPAL PENSION SYSTEM STATE AID (\$430,154.52).
(POLICE PLAN - \$235,724.68 --- EMPLOYEES PLAN - \$194,429.84)**

Motion by Jabbour, seconded by Munsie the resolution be read. Motion carried. Mr. Bednar read the resolution. **Motion** by Munsie, seconded by Falce the resolution be adopted. Roll Call: Seven ayes, no nays. Motion carried. Resolution given No.1186.

- B. RESOLUTION OF THE BOROUGH OF WEST MIFFLIN, ALLEGHENY COUNTY, PENNSYLVANIA, APPROVING THE SALE OF THE PUBLIC WORKS DEPARTMENT SCRAP VEHICLES AND EQUIPMENT TO NICKOLICH TOWING & SALVAGE, INCORPORATED FOR \$7,785.00.**

Motion by Popovich, seconded Falce 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. 1187.

- C. Motion** by Munsie, seconded by Falce authorizing the distribution of the 2008 Volunteer Fire Departments Relief Associations Commonwealth of Pennsylvania Aid in the amount of \$142,135.06, equally to the four West Mifflin Volunteer Fire Company Relief Associations. Roll Call: Seven ayes, no nays. Motion carried.
- D. Motion** by Falce, seconded by Popovich approving the Site Plan to allow for the placement of one (1) additional modular classroom at the Walnut Grove School property on Adams Avenue as recommended by the Planning Commission with the following condition:
- 1.** Finalization of the determination of the proper International Building Code (2006) use category and its affect on the required fire separation distance between the main building and the proposed modular unit.
Roll Call: Seven ayes, no nays. Motion carried.
- E. Motion** by Jabbour, seconded by Falce to approve the Gradillo-Cherno Subdivision Plan located on Irwin Run Road. Roll Call: Seven ayes, no nays. Motion carried.
- F. Motion** by Popovich, seconded by Munsie to approve Change Order #1 in the amount of a deduction of \$89,000, with a \$10,000 project closeout as per item "E" on Change Order #1 to Tedesco Construction Company for work on the Webster Avenue Retaining Wall Project, Contract No. 2008-1. Under remarks, Mr. Stephenson questioned what would be done with the remaining \$89,000. Mr. Bednar explained that once the engineer has determined what is the best, most cost effective way to proceed, it would be determined what else is needed and to look for additional funds. Mr. Welsh reported that Senator Costa has sent a grant application to the Borough requesting an additional \$150,000, however that is not guaranteed. Mr. Munsie questioned whether the remaining \$89,000 would have to be forfeited. Mr. Bednar explained that it would not be forfeited and that if the \$150,000 is approved it would be in addition to the \$89,000 remaining. Mr. Stephenson thanked Mr. Costa and also Mrs. Jabbour requested a letter of thanks be sent to Mr. Costa. Mr. Olasz questioned whether the contract with Tedesco would be terminated. Mr. Balewski replied that the contract would be terminated. Roll Call: Seven ayes, no nays. Motion carried.
- G. Motion** by Jabbour, seconded by Falce to terminate effective immediately the employment of Police Department employee number 687 for violations of the West Mifflin Police Department Rules & Regulations. Under remarks, Mr. Olasz asked Mr. Adams opinion of this progressing to various federal organizations due to the cause of the dismissal. Mr. Adams replied that the subject was discussed fully at the Executive Session and it is not appropriate to ask for a legal opinion on an employment matter at a public meeting. Roll Call: Four ayes, three nays (Olasz, Munsie, Stephenson). Motion carried.

DEPARTMENTAL REPORTS:

Building Inspection..... William Best

Mr. Best read the Building Department Report for the month of September 2008.

Mr. Olasz requested that the Building Department take a look at the condition of a property located on Bellwood Road where it intersects with Homestead-Duquesne Road.

Finance..... Virginia Finnegan

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

Police..... Joseph Popovich

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

Mr. Olasz questioned whether Mrs. Popovich was permitted to vote on Agenda Item G. Mr. Adams replied that she was permitted to vote.

Mr. Olasz questioned whether the Police Department was being investigated by the Attorney General’s Office. Mrs. Jabbour stated that she had asked Attorney General Corbett at the Chief of Police Luncheon Meeting the previous month whether the Borough is being investigated and he said that he is not aware of any investigation.

Public Works..... James Hess

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

Mr. Hess reported that the Annual Halloween Parade would take place on Saturday, October 25, 2008 from 10:30 a.m. until 12:00 noon at the West Mifflin Area High School.

Mr. Hess reported that the Leaf Recycling Program would take place from November 3rd through November 28th.

REPORT OF THE MAYOR:

No report.

REPORT OF THE SOLICITOR:

Mr. Adams reported a decision has been reached in the case entitled Richard Olasz, Sr. vs. William F. Welsh, Frank Diener, and David Haines by the United States Court of Appeals for the Third Circuit. He noted that this is the second highest court and the only higher court is the United States Supreme Court. He stated that the decision of the United States Court of Appeals was to affirm the dismissal of Mr. Olasz's case against Mr. Welsh which was upheld by the US District Court in the Western District here in Pittsburgh. Mr. Olasz stated that he can appeal to the full court. Mr. Adams replied that he may ask for reconsideration. Mr. Welsh explained that the insurance company settled with Mr. Olasz for \$17,500 on the Diener and Haines portion of the lawsuit because it would cost the insurance company too much in legal fees to go to court. Mr. Welsh asked Mr. Olasz on behalf of the taxpayers and the Council to return the \$17,500 for filing a frivolous lawsuit.

REPORT OF THE ENGINEER:

No report.

Mr. Welsh called for an adjournment.

ADJOURNMENT:

Motion by Jabbour, seconded by Falce that the Meeting be adjourned. Meeting adjourned at 7:30 p.m. prevailing time.