

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

Seven members present, absent none. Mayor Andzelik present.

CITIZENS COMMENTS ON AGENDA ITEMS:

Diane Stanesic of 2803 Glenn Lane Extension asked for an explanation of Agenda Item F. Mr. Bednar explained that it would set a schedule for certain positions to all have the same rate of pay after a certain number of years. Ms. Stanesic questioned whether the Borough required employee evaluations. Mr. Bednar replied that the Borough is in the process of reviewing job descriptions and a personnel manual that the state has sent to the Borough. He said that once the job descriptions are finished then performance evaluations can be created. Mr. Stephenson replied that he plans to address the subject under Agenda Item D. Ms. Stanesic questioned Agenda Item H. Mr. Bednar stated that the Borough is implementing the new Right-To-Know Law and that whatever the law says has to be done the Borough would comply. Ms. Stanesic asked under Agenda Item B if there was any chance that the millage would be rolled back. Mr. Bednar said he does not recommend any rollback for 2009. She asked if there would be any caps on spending. Mr. Bednar said that the only definite one is under Agenda Item P. Ms. Stanesic questioned if there are any line items over budget this year. Mr. Bednar stated that rock salt is over budget and Mr. Munsie stated that fuel is over. Ms. Finnegan stated that overall the Borough is under budget and should be through the end of this year. Ms. Stanesic asked that the Borough website show individual bills that are approved and paid.

Jim Jasinski of 4100 Home Street commented on Agenda Item B stating that next years tax should be decreased by ½ mill since the Kennywood case was settled. Under Item H he feels the budget should be on the website. Mr. Bednar replied that the Budget has been available in the Administration Office since December 1st and there wasn't anyone that came to review it. Mr. Jasinski questioned Agenda Item F. Mr. Bednar stated that he had already answered this when Ms. Stanesic asked.

John Koczka of 4333 Everlawn Street questioned Agenda Item I as to the reason for a leave of absence. Mr. Bednar explained that he is a Borough Employee and it is health related. Under Agenda Item L, Mr. Koczka questioned whether Mr. Bednar gets extra pay. Mr. Bednar replied that he does not. Mr. Koczka questioned who the employees are that are under Agenda Item D and how much the raises would be. Mr. Bednar stated that the resolution calls for a 3% increase and that the positions are the Borough Manager, Finance Officer, Public Works Director, Assistant Public Works Director, Planning Director/Zoning Officer, Emergency Management Coordinator, School Crossing Guards, Security Guard, Recreation & Parks Administrator, Assistant Recreation Director I, Assistant Parks Administrator, Summer Playground Supervisor, Summer Parks Assistant Seasonal Workers, and Park Monitors. Mr. Koczka remarked that the Budget should be tightened up. Mr. Koczka questioned why Mr. Hess and Chief Popovich are on the Pension Board under Agenda Item J and K. Mr. Bednar explained that the Pension Plan is completely separate from the bargaining units. He explained that on the Employees Pension Board there are 2 members of the Teamsters Union along with Mr. Hess and that the Police Pension Board consists of Chief Popovich, a Sergeant and a citizen (Mr. Dale Pavlik).

APPROVAL OF MINUTES:

Motion by Falce, seconded by Popovich that the Minutes of the November 18, 2008 Council Meeting be approved. Under remarks, Mr. Olasz stated that Agenda Item H is incorrect. He said that the Roll Call has seven ayes, one nay and it should read six ayes and one nay. 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 stated that in the future he would like to see a report with more detailed information on any bills pertaining to contracts or any litigation before he approves them. Roll Call: Six ayes, one nay (Olasz). Motion carried.

AGENDA ITEMS:

Motion by Olasz, seconded by Stephenson to suspend the Rules of Conduct for Legislative Meetings pertaining to the West Mifflin Sanitary Sewer Municipal Authority. Roll Call: Three ayes, three nays (Falce, Jabbour, Popovich), one no response due to the interruption by Mr. Olasz stating that Mr. Welsh can't vote (Welsh). Motion failed.

A. RESOLUTION OF THE BOROUGH OF WEST MIFFLIN, ALLEGHENY COUNTY, PENNSYLVANIA, ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2009 AND ENDING ON DECEMBER 31, 2009 IN

ACCORDANCE WITH THE BOROUGH CODE FOR THE BOROUGH OF WEST MIFFLIN.

(General Fund Budget - \$12,907,147 – Liquid Fuels -\$450,947 – Capital - \$840,740)

Motion by Munsie, seconded by Falce the resolution be read. Motion carried. Mr. Bednar read the resolution. **Motion** by Falce, seconded by Munsie the resolution be adopted. Under remarks, Mr. Stephenson requested an explanation of the Capital Fund Budget since he is not sure that the Capital Fund should be taken down that low. Mr. Bednar explained that any purchase would be authorized by a separate motion sometime in 2009. He said that this is just setting the guidelines that this is what the Borough hopes to do and that the Borough is not required to spend it. Roll Call: Six ayes, one nay (Olasz). Motion carried. Resolution given No.1189.

B. ORDINANCE OF THE BOROUGH OF WEST MIFFLIN, ALLEGHENY COUNTY, PENNSYLVANIA, FIXING AND REENACTING THE REAL ESTATE TAX RATE FOR THE YEAR 2009 AND IMPOSING DISCOUNTS, PENALTIES AND INTEREST THEREON.

(2009 tax rate is 7.27)

Motion by Jabbour, seconded by Popovich the ordinance be read. Motion carried. Mr. Bednar read the ordinance. **Motion** by Munsie, seconded by Popovich the ordinance be enacted. Roll Call: Six ayes, one nay (Olasz). Motion carried. Ordinance given No. 1161.

C. ORDINANCE OF THE BOROUGH OF WEST MIFFLIN, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 24, PART 4, OF THE CODE OF ORDINANCES OF THE BOROUGH OF WEST MIFFLIN IN RELATION TO THE IMPOSITION AND RATE OF TAX FOR THE PRIVILEGE OF ADMISSION TO ANY AMUSEMENT IN THE BOROUGH OF WEST MIFFLIN, INSTITUTING A CREDIT AGAINST SAID AMUSEMENT TAX.

Motion by Popovich, seconded by Munsie the ordinance be read. Motion carried. Mr. Bednar read the ordinance. **Motion** by Popovich, seconded by Falce the ordinance be enacted. Roll Call: Seven ayes, no nays. Motion carried. Ordinance given No. 1162.

D. RESOLUTION OF THE BOROUGH OF WEST MIFFLIN, ALLEGHENY COUNTY, PENNSYLVANIA, FIXING AND ESTABLISHING THE SALARIES AD WAGES OF THE SEVERAL AND VARIOUS EMPLOYEES OF THE BOROUGH OF WEST MIFFLIN FOR THE PERIOD COMMENCING WITH THE FIRST PAY PERIOD IN JANUARY OF 2009 AND ENDING ON DECEMBER 31, 2009, AND THEREAFTER UNTIL OTHERWISE AMENDED BY BOROUGH COUNCIL.

Motion by Munsie, seconded by Falce the resolution be read. Motion carried. Mr. Bednar read the resolution. **Motion** by Jabbour, seconded by Popovich the resolution be adopted. Under remarks, Mr. Stephenson remarked that he cannot vote for an increase in these various positions until he sees evaluations, which he was under the assumption had been completed. He recommended that a plan be put in place to have evaluations done before the next meeting and he would have no problem voting on the resolution. **Motion** by Stephenson, seconded by Munsie the resolution be tabled until evaluations are completed. Roll Call: Seven ayes, no nays. Motion carried.

E. RESOLUTION OF THE BOROUGH OF WEST MIFFLIN, ALLEGHENY COUNTY, PENNSYLVANIA, ESTABLISHING THE CONTRIBUTION RATE FROM EMPLOYEE POLICE MEMBERS OF THE POLICE PENSION PLAN FOR THE YEAR 2009.

(Contribution rate is five percent (5.0%).

Motion by Munsie, seconded by Popovich the resolution be read. Motion carried. Mr. Bednar read the ordinance. **Motion** by Munsie, seconded by Falce the resolution be adopted. Roll Call: Seven ayes, no nays. Motion carried. Resolution given No. 1190.

F. RESOLUTION OF THE BOROUGH OF WEST MIFFLIN, ALLEGHENY COUNTY, PENNSYLVANIA, ADOPTING AND IMPLEMENTING A PAY EQUALIZATION SCHEDULE FOR THE ADMINISTRATION DEPARTMENT AND THE BUILDING INSPECTION DEPARTMENT AND NEW HIRES.

Motion by Munsie, seconded by Popovich the resolution be read. Motion carried. Mr. Bednar read the resolution. **Motion** by Popovich, seconded by Munsie the resolution be adopted. Roll Call: Seven ayes, no nays. Motion carried. Resolution given No. 1191.

G. RESOLUTION OF THE BOROUGH OF WEST MIFFLIN, ALLEGHENY COUNTY, PENNSYLVANIA, RE-APPOINTING DALE PAVLIK TO A THREE (3) YEAR TERM ON THE ZONING HEARING BOARD WITH THE TERM TO RUN FROM JANUARY 1, 2009 THROUGH DECEMBER 31, 2011.

Motion by Jabbour, seconded by Popovich 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. 1192.

H. RESOLUTION OF THE BOROUGH OF WEST MIFFLIN, ALLEGHENY COUNTY, PENNSYLVANIA, IMPLEMENTING THE RIGHT-TO-KNOW LAW, AS ENACTED ON FEBRUARY 14, 2008 BY THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA.

Motion by Jabbour, seconded by Falce the resolution be read. Motion carried. Mr. Bednar read the resolution. **Motion** by Popovich, seconded by Falce the resolution be adopted. Under remarks, Mr. Munsie questioned whether the individual appointed as the Right to Know Officer should be named in the resolution. Mr. Adams replied that a person should be named, however if it is made part of the resolution and should it change then the resolution would have to be redone. Roll Call: Seven ayes, no nays. Motion carried. Resolution given No. 1193.

I. Motion by Jabbour, seconded by Falce approving the Leave of Absence for Kevin A. Vargo until December 31, 2009. Roll Call: Seven ayes, no nays. Motion carried.

J. Motion by Popovich, seconded by Jabbour to re-appoint James Hess to a three (3) year term on the Employees Pension Plan Board with the term to run from January 1, 2009 through December 31, 2011. Roll Call: Seven ayes, no nays. Motion carried.

K. Motion by Jabbour, seconded by Falce to re-appoint Joseph Popovich to a three (3) year term on the Police Pension Board with the term to run from January 1, 2009 through December 31, 2009. Roll Call: Six ayes, one nay (Olasz). Motion carried.

L. Motion by Popovich, seconded by Falce to re-appoint Howard J. Bednar to a one (1) year **term** on the Streets Run Watershed Association with the term to run from January 1, 2009 through December 31, 2009. Roll Call: Seven ayes, no nays. Motion carried.

M. Motion by Popovich, seconded by Jabbour to re-appoint Joseph Falce to a four (4) year term on the Planning Commission with the term to run from January 1, 2009 through December 31, 2012. Under remarks, Mr. Olasz stated that he was under the impression that Mr. Falce did not wish to be re-appointed. Mr. Falce replied that a Councilperson must hold this seat and that at the Caucus Meeting he asked if anyone else would like the appointment, however if nobody else was interested he would take the re-appointment. Roll Call: Seven ayes, no nays. Motion carried.

N. Motion by Jabbour, seconded by Falce to re-appoint Audrey Pavuchak to a four (4) year term on the Planning Commission with the term to run from January 1, 2009 through December 31, 2012. Roll Call: Seven ayes, no nays. Motion carried.

O. Motion by Popovich, seconded by Falce to re-appoint Robert Wroblewski to a six (6) year term on the Civil Service Commission with the term to run from January 23, 2009 through January 23, 2015. Roll Call: Seven ayes, no nays. Motion carried.

P. Motion by Jabbour, seconded by Popovich establishing and implementing a policy effective January of 2009 limiting each member of Council and the Mayor to \$1,000 each per year for expenses related to conferences, seminars and meetings. Under remarks, Mrs. Jabbour stated that this was agreed to by Council at the Caucus Meeting. Roll Call: Seven ayes, no nays. Motion carried.

Q. Motion by Popovich, seconded by Jabbour approving the recommendations of the Joyce Insurance Group in placing insurance coverage with the following:

H.A.R.I.E. - Package Policy

H.A.R.I.E - Workers Compensation

State Workers Insurance Fund – Workers Compensation – VFC

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

R. Motion by Popovich, seconded by Falce appointing Joyce Hanchulak as a full-time employee as the Records Clerk for the Police Department effective January 5, 2009. Under remarks, Mr. Olasz stated he believes he is entitled to see background checks and will not vote to hire anyone until he sees a background check. Mr. Welsh stated that in the past the background checks have been passed around to the public, which is the reason a private company now handles them. He stated that the third party company and the Chief of Police review them and nobody else sees them. **Motion** by Olasz to table the hiring, hearing no second. Motion to table failed. Roll Call on the original Motion: Six ayes, one nay (Olasz). Motion carried.

S. Motion by Munsie, seconded by Popovich to uphold the Mayor's five (5) day suspension without pay of Police Employee #35 for violations of the West Mifflin Borough Police Department Rules & Regulations. Roll Call: Seven ayes, no nays. Motion carried.

T. Motion by Munsie, seconded by Falce to uphold the Mayor's one (1) day suspension without pay of Police Employee #613 for violations of the West Mifflin Borough Police Department Rules & Regulations. 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 November 2008.

Mr. Olasz questioned why a house behind Stump's Bar has not been torn down. Mr. Anthony explained that it was originally scheduled for demolition under Twin Rivers Council of Government's, however the Borough switched to Steel Valley Council of Governments delaying the demolition. **Motion** by Olasz, seconded by Stephenson to suspend the Rules of Conduct for Legislative Meetings. Roll Call: Seven ayes, no nays. Motion carried. **Motion** by Olasz, seconded by Stephenson authorizing the Building Inspector to get a cost to demolish the above referenced property. Under remarks, Mr. Bednar reported that Steel Valley COG has allocated \$30,000 to demolish 4 properties and they will go out for bid most likely in the next three months. Mr. Olasz replied that 3 months is too long to wait. Roll Call: Seven ayes, no nays. Motion carried.

Finance..... Virginia Finnegan

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

Mr. Stephenson reported that he had received an updated report from Ms. Finnegan regarding Legal Fees. He reported that the budgeted amount is \$180,000.00 and that as of October 31st the Borough has spent \$16,580.00 which shows that at this point the figures are within the budget. Mr. Munsie stated that \$25,000.00 was set for legal fees under Planning and Zoning and as of October 31st there was \$6,882.00 spent.

Mr. Olasz questioned whether it has been taken into account that Simon Properties has appealed their assessment and more than likely the court will reduce their assessment. Ms. Finnegan replied that allowances have been made for a reduction. He also questioned whether the closing of the General Motors Plant has been taken into consideration. Ms. Finnegan stated that the wage tax line item has been lowered regarding the plant closing.

Police..... Joseph Popovich

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

Public Works..... James Hess

Mr. Bednar read the Public Works Department report for the month of November 2008.

REPORT OF THE MAYOR:

Mayor Andzelik thanked everyone involved in another successful Light Up Night.

Mayor Andzelik reported that any resident wishing to sign up for the Holiday Decorating Contest should call the Borough Administration Office.

Mayor Andzelik thanked the West Mifflin Area School District for their beautiful display of Christmas Trees in the Borough Building Lobby. He also requested a letter of thanks be sent to Superintendent Risha thanking the teachers and students for their participation.

Mrs. Jabbour questioned the status of the donations for the Community Day Fireworks. He explained that he is expecting a \$2,000.00 donation from Wal-Mart which brings the donations to approximately \$7,200.00.

REPORT OF THE SOLICITOR:

Mr. Adams stated he is pleased to hear that the legal fees are under budget so far this year and he thanked Mr. Stephenson for noting such. Mr. Adams said that with the Kennywood case over there should be a 40% to 50% decrease in legal fees in the immediate future.

Mr. Olasz questioned why bills for his case appear on the check register. Mr. Adams replied that Mr. Olasz has appealed the case and it is not completely closed out.

REPORT OF THE ENGINEER:

No report.

REPORT OF THE BOROUGH MANAGER:

Mr. Bednar reported that the Borough received \$36,350 from the Department of Environmental Protection for recycling collection in 2006. He also said that in Allegheny County the Borough came in 2nd to the City of Pittsburgh for total tonnage recycled.

Mr. Stephenson requested that Council schedule a special meeting for Mr. Bednar's evaluation.

ADJOURNMENT:

Motion by Popovich, seconded by Jabbour that the Meeting be adjourned. Meeting adjourned at 8:00 p.m. prevailing time.