

COUNCIL OF THE BOROUGH OF WEST MIFFLIN met in regular session in the Municipal Building Council Chambers on Tuesday, May 26, 2009 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 the dollar amount under Agenda Item G. Mr. Bednar reported that the total refund due is \$534,580.20 for 2006 and 2007. He stated there is no refund due for 2008 since they paid the lower amount that year and that the 2009 taxes would be handled at the new rate once the motion is approved. Mrs. Stanesic questioned how much money was reserved specifically during the dispute time. Mr. Bednar explained that there is a Real Estate Tax Escrow Reserve and also a Tax Escrow Reserve. Ms. Finnegan stated that she could provide the information. She stated that the Real Estate Escrow Account has \$434,212 specifically reserved for the Century III Mall and the other account called the Tax Escrow Reserve has \$304,786, which is more than enough to pay the refund from both accounts. Mrs. Stanesic questioned what constitutes the second escrow account. Ms. Finnegan explained that it is money put aside for any refund payment that has to be made for any tax. Mrs. Stanesic asked for an explanation of Agenda Item D. Mr. Bednar stated that there are a few streets on the paving list that require milling before they can be paved. Mr. Hess reported that the streets to be milled are Utah Avenue, a section of Pennsylvania Avenue, and an area of Duquesne Avenue. Mrs. Stanesic also requested an explanation of Agenda Item A. Mr. Bednar explained that these are 2 vehicles; a 1991 Infinity and a 1991 Ford Explorer that the Police Department received through the Federal Forfeiture Program and the requirements were that the Borough had to keep them for 2 years which ended on May 10th.

Steve Marone of 441 Livingston Road questioned whether there would be separate bids prepared on Agenda Item A. Mr. Bednar explained that it will advertise both ways; both vehicles bid together and also individually which would permit the Borough to accept the highest bid.

John Koczka 4333 Everlawn Street referred to Agenda Item G and questioned whether Mr. Adams was legal counsel. Mr. Adams replied that the School District Solicitor takes the lead on the tax appeals. He also stated that he did attend the final settlement conference.

APPROVAL OF MINUTES:

Motion by Popovich, seconded by Munsie that the Minutes of the April 21, 2009 Council Meeting be approved. Under remarks, Mr. Olasz stated that he has been trying to get Minutes corrected for months and questioned when he would be able to redo the Minute Books. Mr. Adams explained that if there are Minutes to be corrected any Council Member can raise that with Council and if Council agrees a vote must be taken to amend the Minutes. Mr. Stephenson stated that Mr. Olasz challenges the Minutes every month and he questioned if Council has to take a roll call vote to amend the Minutes or is it acceptable as is by Mr. Olasz's challenges. Mr. Adams reiterated that to amend older Minutes a formal action of Council is required. He also stated that if they are current Minutes, a vote is not required. Roll Call: Six ayes, no nays, one no response (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. Olasz stated that after reviewing the check register he has a question on why Joyce Insurance Company has been paid \$46,237 for two consecutive weeks, totaling \$92,474. Mr. Bednar explained that these are workers comp payments and there are six payments a year. Mr. Stephenson suggested tabling the motion until this is reviewed.

Motion by Popovich, seconded by Munsie the motion be tabled. Roll Call: Seven ayes, no nays. Motion tabled.

AGENDA ITEMS:

A. Motion by Munsie, seconded by Popovich authorizing the Request for Bids for the possible sale of two (2) undercover police vehicles received through the Federal Forfeiture Program, with proceeds to go back into the Federal Forfeiture Assets Fund. Under remarks, Mr. Stephenson questioned how much money remains in the Federal Forfeiture Assets Fund. Ms. Finnegan reported there is approximately \$15,000 remaining in the Fund. Roll Call: Seven ayes, no nays. Motion carried.

B. Motion by Popovich, seconded by Munsie accepting the SHACOG Joint Purchasing Alliance 2009 Spring Commodities bids. Roll Call: Seven ayes, no nays. Motion carried.

C. Motion by Popovich, seconded by Falce authorizing the purchase and installation of two (2) new dump bodies for Public Works Department vehicles D-3 and D-7 from Thiele Manufacturing, LLC through the Central Westmoreland Council of Governments piggy-back at a cost of \$27,516.00 with payment from the Capital Projects Fund. Under remarks, Mr. Stephenson questioned how much money remains in the Capital Projects Fund. Ms. Finnegan reported there is approximately \$1,931,000 remaining. Roll Call: Seven ayes, no nays. Motion carried.

D. Motion by Munsie, seconded by Popovich accepting the quote of the Donegal Construction Corporation for the milling of various Borough streets at a cost of \$6,800, with payment from the Capital Projects Fund. Roll Call: Seven ayes, no nays. Motion carried.

E. Motion by Popovich, seconded by Falce approving payment from the assets of the appropriate pension the following invoices from Rhoades & Wodarczyk:

Police Pension - Invoice #7825 - \$364.84

Employees Pension- Invoice #7826 - \$364.84

Under remarks, Mr. Stephenson stated that he was under the assumption that Rhoades & Wodarczyk are no longer involved with any of the Pension Plan. Mr. Bednar said that there was a question that came up from US Assets Management, one of our investment advisors that said they could not change any of their sub-advisors without the Borough approving it. He stated that it was discussed by the Pension Committees. He remarked that it was not his opinion that they needed prior approval of the Borough. He said that Mr. Rhoades is the one who developed and drafted the investment agreement that AIG and US Assets signed so he went back to Mr. Rhoades to get an interpretation of that section of the investment advisory agreement. Mr. Olasz questioned why Council was not advised of this. Mr. Bednar stated that he believes that he had advised Council. Mr. Olasz replied that he believes that he did not advise Council. Roll Call: Four ayes, three nays (Munsie, Olasz, Stephenson). Motion carried.

F. Motion by Falce, seconded by Munsie approving the purchase of twenty (20) Second Chance Monarch Summit, Level II, Apex Carrier and 5x8 Armor Pac Vests through Markl Supply company on a piggy-back of State Contract #4400001925 at a total cost of \$15,250, with payment from the Capital Project Fund. Roll Call: Seven ayes, no nays. Motion carried.

G. Motion by Popovich, seconded by Falce to ratify the approval of the Real Estate Tax settlement with Century III Associates, L.P. for Century III Mall for the years 2006 through and including 2009. Roll Call: Seven ayes, no nays. Motion carried.

H. Motion by Popovich, seconded by Falce approving the promotion of Thomas R. Richards to the position of Captain with the West Mifflin Police Department. Under remarks, Mr. Olasz stated that Council has received notice that the Chief will be undergoing surgery and questioned the Mayor as to who will be assuming the temporary Chief's position. Mayor Andzelik stated that the second in command would be in charge of the Police Department, which would soon be Captain Richards. Mayor Andzelik also reported that the two new Lieutenants would be working on rotating monthly turns. Roll Call: Seven ayes, no nays. Motion carried.

I. Motion by Falce, seconded by Munsie approving the promotion of Michael A. Ragan to the position of Lieutenant with the West Mifflin Police Department. Roll Call: Seven ayes, no nays. Motion carried.

J. Motion by Popovich, seconded by Falce approving the promotion of Theresa Savage to the position of Lieutenant with the West Mifflin Police Department. Roll Call: Seven ayes, no nays. Motion carried.

Mr. Welsh congratulated Captain Richards and Lieutenants Ragan and Savage.

Mayor Andzelik presented new badges to the promoted officers.

DEPARTMENTAL REPORTS:

Building Inspection..... Walter Anthony

Mr. Anthony read the Building Inspector's Report for the month of April 2009.

Finance..... Virginia Finnegan

Ms. Finnegan read the Finance Report for the month of April 2009.

Mr. Olasz requested an updated computer print out up through May and he also requested that the escrow account be split up on the report in order to keep track of the Century III Mall refund. Ms. Finnegan stated that she would check to see if the computer program has these capabilities.

Mr. Olasz reported that he intends to present a motion to put a moratorium that there will be no future hires other than summer help or retirements proposed until the incoming Council has an opportunity to look at the budget situation for next year. Mr. Stephenson questioned what exactly Mr. Olasz is requesting. Mr. Olasz stated that he has heard talk of certain individuals asking for an early retirement. He said there were 19 early retirement sweeteners offered in February. Mr. Welsh replied that Mr. Bednar was instructed to prepare a report that included 19 employees, however it was only for discussion at a Caucus Meeting and that there was never a time that any employee was offered a sweetener. Mr. Stephenson questioned whether Mr. Olasz was including promotions. Mr. Olasz stated that it did not include promotions. **Motion** by Olasz, seconded by Stephenson to suspend the Rules of Conduct for Legislative Meetings to present a motion putting a moratorium on no future hiring or retirements until next year. Roll Call: Three ayes, four nays (Falce, Jabbour, Popovich, Welsh). Motion failed.

Mr. Welsh made a statement that this current Council has hired the least number of people in the history of the Borough.

Police..... Joseph Popovich

Chief Popovich read the Police Department Report for the month April 2009.

Chief Popovich reported that he had applied for a grant through Wal-Mart and he has been notified that the grant has been awarded for \$1,550 for the Police Department to be used for miscellaneous equipment.

Public Works..... James Hess

Mr. Hess read the Public Works Department Report for the month of April 2009.

Mr. Olasz asked if there was anywhere that road salt could be stored since Cargill is opting out of the \$42 per ton the Borough had been paying. Mr. Hess replied that he had looked ahead and the Borough has stock piled between 2,500 to 3,000 tons on hand.

Mr. Olasz commended Mr. Marecic for repairing a dangerous situation at the intersection of Henry Street and Bowes Avenue. He stated that it has been an ongoing problem for the past 5 months. Mr. Olasz questioned who is responsible for creating the problem. Mr. Hess replied that he understands it is the West Mifflin Sanitary Sewer Municipal Authority. He said that he received an email the previous day from their engineer stating that they would fix it permanently beginning June 1st. **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 Borough Manager to send a bill to the West Mifflin Sanitary Sewer Municipal Authority for the cost of cold patch, labor hours and any other expenditure to correct the dangerous situation at the intersection of Henry Street and Bowes Avenue. Roll Call: Seven ayes, no nays. Motion carried.

REPORT OF THE MAYOR:

Mayor Andzelik congratulated the West Mifflin Area High School Titan Band for winning the Grand Champion trophy at the recent International Azalea Festival in Norfolk, Va. Mayor Andzelik requested that a letter of congratulations be sent to Mr. Smeal the Band Director and also a copy to the Superintendent.

Mayor Andzelik reported that the Make A Wish annual fund raiser held at the Coral Lanes raised \$6,800 which will fulfill two wishes.

Mayor Andzelik reported that the area Carnegie Library located in Homestead is in need of volunteers. He said anyone wishing to get involved can call 412-462-3444.

Mayor Andzelik reported that the Annual Memorial Day Service was held this past weekend at the Mitchell Paige Memorial Park.

REPORT OF THE SOLICITOR:

No report.

Mr. Olasz questioned a bill from Mr. Adams for \$611.00. Mr. Adams replied by pointing out that in 3 of the 4 years he has been Solicitor his legal bills have been less than they were in prior years.

REPORT OF THE ENGINEER:

No report.

REPORT OF THE BOROUGH MANAGER:

Mr. Bednar reported that he heard back from the Department of Justice on the COPS Hiring Recovery Program Application that it passed through the first phase with no problems and they hope to have all the awards out no later that September 30th. He stated that the Borough applied for all wages and fringe benefits for three officers for three years.

Mr. Bednar reported that the Borough has applied through the Steel Valley Council of Governments for a Community Development Block Grant to demolish 25 single family houses. If approved they will be demolished next spring.

ADJOURNMENT:

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