

**COUNCIL OF THE BOROUGH OF WEST MIFFLIN** met in regular session in the Municipal Building Council Chambers on Tuesday, August 18, 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:**

**Chris Kelly** of Brierly Drive West spoke on Agenda Item N regarding third party inspectors for commercial construction projects. He stated that an advertisement in the September 10, 2007 issue of the Daily News states that an applicant for Building Inspector must be certified in residential and commercial building inspection and a job description would be available at the Borough Manager's Office. Mr. Bednar explained that the Borough has not adopted a formal job description and the description available was an advisory description provided by the State.

**Diane Stanesic** of 2803 Glenn Lane Extension questioned under Agenda Item I where the \$248,089.50 is coming from to pave streets. Mr. Bednar stated that it would come from the Capital Projects Fund. Mrs. Stanesic also spoke on Agenda Item B asking why another request is being submitted for Webster Avenue. Mr. Bednar explained that the resolution form has been changed and it has to be resubmitted.

**Robert Macy** County Councilman offered his explanation of the circumstances regarding the Webster Avenue Landslide. He stated that the West Mifflin Community Foundation was formed to help in this community. He explained that \$40,000 was raised through local foundations and the first project was to help the Webster Avenue landslide victims. He said that the money was used for a GEO Technical Study done by R. Kimball Associates. He stated that the West Mifflin Community Foundation then stepped aside because it was recommended that the Borough apply for the grant money through the Growing Greener Fund as well as the Community Infrastructure Tourism Fund. Mr. Bednar explained that the Williams Wall Company presented a design for the wall, signed and stamped by an engineer which was used for the initial attempt to build the wall by Tedesco Construction. He said that work was stopped when Tedesco Construction realized the way the wall was designed that it would fall down. He also said more testing was done which has led to a different design of a bigger foundation for a wall.

**Diane Stanesic** of 2803 Glenn Lane Extension questioned under Agenda Item A if these are the salaries for the individuals that were evaluated. Mr. Bednar replied that they were. Mr.

Stephenson and Mr. Munsie stated that Mr. Bednar has not yet been evaluated and he is not included in the resolution.

**Mark Lazzaro** of 4824 Brierly Drive West spoke on Agenda Item N. He asked that Council consider tabling the motion in order to take time to review the fees charged by third party inspectors.

**Steve Marone** of 441 Livingston Road asked under Agenda Item I if Muldowney Avenue could be considered for milling while the contractor is doing other paving. Mr. Hess stated that he and Mr. Balewski would take a look at the street to see if it can be done. Mr. Marone also thanked Council for authorizing the transfer of the fire trucks under Agenda Item J.

**John Koczka** of 4333 Everlawn Street questioned how many people are included in the resolution under Agenda Item A. Mr. Bednar stated that there are approximately 45 individuals. Mr. Koczka stated he doesn't think anyone should have an increase in their salaries. Mr. Koczka questioned why a third party commercial inspection company is needed under Agenda Item N. Mr. Bednar explained that they would deal strictly with commercial construction projects. He explained that the current Building Inspector was grandfathered into the State's required Commercial Certification and that expired in April 2009. Mr. Bednar stated that there is no cost to the Borough with a third party company and they would deal only with commercial inspections.

**Edward Manfredi** of 805 Joyce Drive questioned what the 2009 Ford Explorer under Agenda Item E would be used for. Chief Popovich replied that it would be used as a regular police vehicle. Mr. Manfredi commented on how well the streets are salted during the winter and he also questioned what the price of rock salt is under Agenda Item F. Mr. Bednar replied that it is \$52.75 per ton, which is up about \$10 per ton from last year due to a built in fuel adjustment.

**James Jasinski** 4100 Home Street questioned Agenda Item A asking who is giving Mr. Bednar his evaluation. Mr. Bednar stated that it is Council's responsibility. Mr. Jaskinski also spoke on Agenda Item B and said that the Borough has wasted \$45,000 planting grass. Mr. Bednar explained that the \$45,000 would be covered by the Growing Greener Grant which was approved in November 2008. Mr. Jasinski questioned why Home Street has been omitted from the paving list under Agenda Item I. Mr. Welsh stated that Council never said they were paving Home Street. He explained that there were 7 streets possibly that could have been paved and that after much discussion Council came up with the 5 streets listed. Mr. Stephenson and Mr. Munsie remarked that the streets selected were recommended by Mr. Hess and Mr. Balewski and were considered in their opinion the worst streets in the Borough. Mr. Munsie stated that all the streets listed require milling and while the company has the milling machine in the Borough the streets that require milling were chosen from the bid list. Mr. Jasinski questioned who would issue the Building Permits under Agenda Item N. Mr. Anthony explained that the permits would be issued through the Borough and the Borough would receive the permit fees and issue the Certificates of Occupancy.

**Pam Lazzaro** of 4824 Brierly Drive West questioned if Mr. Anthony was doing the plan reviews under Agenda Item N. Mr. Anthony replied that at the present time he is not and that since April of this year the applicants have the opportunity to choose a registered inspection company. He remarked that the State has advised the Borough to designate a third party agency.

**Steve Marone** of 441 Livingston Road asked for a clarification on Agenda Item N. Mr. Welsh explained that by law the Borough has to appoint agencies that companies can choose to hire for their commercial construction inspections. Mr. Anthony explained that the State requires that the Borough designate one or more agencies and the companies would be required to use who the Borough designates.

**Fred Barker** of 243 Belmont Avenue questioned whether the buildings to be demolished under Agenda Item K would be paid with grant money. Mr. Bednar stated that it is grant money from the Community Development Block Grant through a contract with the Steel Valley Council of Governments and would not cost the Borough any money.

**Motion** by Arlene to suspend the Rules of Conduct for Legislative Meetings to put a motion on the floor to lower taxes. Hearing no second, motion failed.

**Motion** by Munsie, seconded by Olasz to suspend the Rules of Conduct for Legislative Meetings to present a motion to advertise for a Borough Manager. Under remarks, Mr. Munsie stated he would like to clarify that this is not a motion to terminate Mr. Bednar, but to advertise for the position. Roll Call: Three ayes, four nays (Falce, Jabbour, Popovich, Welsh). Motion failed.

Mrs. Popovich stated that this was not discussed at the Caucus Meeting and she said it is not right to discuss personnel issues at a public meeting. Mr. Munsie remarked that he doesn't think the vote would be any different if it had been discussed at the Caucus Meeting. Mr. Stephenson remarked that his concern is the future and he asked Mayor Andzelik if he would be in favor of advertising the Borough Manager's position if he is elected to Council in January 2010. Mayor Andzelik replied that he thinks the Borough should advertise for all positions. Mr. Stephenson said that it would be in the best interest of the Borough to begin a search now and not when the new Council comes in next year. He also remarked that Mr. Bednar is welcome to apply and if Mr. Bednar is chosen he would accept that decision, however he feels that a hard look should be taken at the position. Mr. Welsh stated it has never been discussed at an Executive Session and he said that it is Council's own fault that Mr. Bednar's evaluation has never been done. Mr. Falce remarked that this should be discussed immediately at an Executive Session, along with a discussion as to whether there are any other positions to be looked at.

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

**Motion** by Munsie, seconded by Popovich that the Minutes of the June 16, 2009 Council Meeting be approved. Roll Call: Six ayes, one nay (Olasz). Motion carried.

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

**Motion** by Popovich, seconded by Falce that all bills properly approved by the Finance Committee be paid. Under remarks, Mr. Olasz questioned whether the contract has been signed to purchase the street sweeper and also if the Solicitor has reviewed it. Mr. Bednar replied that there is no contract only a Purchase Order which has been sent in. He also explained that Council and the Solicitor received a copy of the Purchase Order, what the street sweeper consisted of, what the cost breakdown was. Mr. Olasz stated that it might be advisable to cancel the Purchase Order due to the economic situation and he requested that Mr. Adams review the Purchase Order to see if there would be penalties if the order was cancelled. Mr. Adams agreed to look at the

Purchase Order. Mr. Olasz also requested that all of Council receive another copy to review.  
Roll Call: Six ayes, one nay (Olasz). Motion carried.

**AGENDA ITEMS:**

**A. RESOLUTION OF THE BOROUGH OF WEST MIFFLIN, ALLEGHENY COUNTY, PENNSYLVANIA, FIXING AND ESTABLISHING THE SALARIES AND WAGES OF THE SEVERAL AND VARIOUS EMPLOYEES OF THE BOROUGH OF WEST MIFFLIN FOR THE PERIOD COMMENCING WITH THE FIRST PAY PERIOD OF 2009, AND THEREAFTER UNTIL OTHERWISE AMENDED BY BOROUGH COUNCIL**

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**Motion** by Popovich, seconded by Munsie the resolution be read. Motion carried. Mr. Bednar read the resolution. **Motion** by Popovich, seconded by Falce the resolution be adopted. Under remarks, Mr. Olasz questioned if the Secretaries are included in the resolution. Mr. Bednar explained that the Administrative Assistants were covered under a separate resolution at the beginning of the year. Mr. Olasz also remarked that Mr. Bednar is not included and Mr. Stephenson remarked that this was budgeted and would be retroactive. Roll Call: Seven ayes, no nays. Motion carried. Resolution given No.1201.

**B. RESOLUTION OF THE BOROUGH OF WEST MIFFLIN, ALLEGHENY COUNTY, PENNSYLVANIA, REQUESTING \$250,000 FROM THE ALLEGHENY COUNTY COMMUNITY INFRASTRUCTURE AND TOURISM FUND FOR THE WEBSTER AVENUE RETAINING WALL PROJECT.**

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**Motion** by Munsie, seconded by Popovich that the resolution be read. Motion carried. Mr. Bednar read the resolution. **Motion** by Munsie, seconded by Popovich the resolution be adopted. Under remarks, Mr. Stephenson questioned why there was a denial letter received on Thursday, August 13<sup>th</sup>. Mr. Bednar explained that this is a revised application due on September 1, 2009. Roll Call: Seven ayes, no nays. Motion carried. Resolution given No. 1202.

**C. Motion** by Munsie, seconded by Popovich approving the Conditional Use Request of the West Mifflin Area School District for the new Middle School Project with the following conditions:

1. Final receipt by the Borough of the approved and recorded Consolidation Plan.

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

**D. Motion** by Popovich, seconded by Olasz approving the Conditional Use request of the West Mifflin Area School District for the expansion of the New England Elementary School parking lot with the following conditions:

1. Final receipt by the Borough of the approved and recorded Consolidation Plan.
2. Confirmation and approval by the Borough of the storm water connection to a public storm sewer line.

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

**E. Motion** by Falce, seconded by Munsie authorizing the purchase of one (1) 2009 Ford Crown Victoria and one (1) 2009 Ford Explorer from Day Ford, Inc. on a piggy-back on the Central Westmoreland Council of Governments Cooperative Purchasing Program 08-MV-008-009 at a total estimate cost of \$70,655.99 with payment from the Federal Forfeiture Assets Fund. Under remarks, Mr. Stephenson questioned how many vehicles the Police Department has. Chief Popovich replied that there are 16 marked vehicles and 5 unmarked. Mr. Stephenson asked the Mayor if he has discussed with Chief Popovich how many vehicles he would like to see in the Police Department. Mayor Andzelik replied that it hasn't been discussed for approximately 5 months and that the department is trying to get caught up with enough vehicles. Mr. Stephenson asked Mr. Munsie his opinion on buying laptop computers for the police vehicles. Mr. Munsie stated that he and the Mayor have discussed purchasing laptops from the Federal Forfeiture Assets Fund and he is under the impression that after this purchase there should still be enough money to purchase them. Roll Call: Seven ayes, no nays. Motion carried.

**F. Motion** by Popovich, seconded by Falce accepting the SHACOG Purchasing Alliance Rock Salt Bid for 2009 and awarding the bid to Cargill, Inc. as per their bid submitted on July 31, 2009. Roll Call: Seven ayes, no nays. Motion carried.

**G. Motion** by Munsie, seconded by Popovich awarding the sale of the 1991 Dodge Infiniti to Thomas C. Martin for \$400 as per his bid submitted on July 31, 2009. Roll Call: Seven ayes, no nays. Motion carried.

**H. Motion** by Falce, seconded by Munsie awarding the sale of the 1991 Ford Explorer to James Stone for \$400 as per his bid submitted on July 31, 2009. Roll Call: Seven ayes, no nays. Motion carried.

**I. Motion** by Popovich, seconded by Munsie awarding the 2009 Street Paving Program Bid to A. Folino Construction, the lowest responsible bidder under Option #8 in the amount of \$248,089.50 for the milling and/or paving of Satinwood Drive, Bowes

Avenue, Lebanon School Road, Alberta Drive and Gina Drive. Under remarks, Mr. Falce remarked that this should be done this year because the price will go up for next year. Roll Call: Seven ayes, no nays. Motion carried.

**J. Motion** by Munsie, seconded by Popovich authorizing the transfer for one dollar (\$1.00) per vehicle the following five (5) Borough owned fire trucks to the appropriate fire department:

Homeville VFC #1 – 1994 HME and 1969 Mack

Duquesne Annex VFC #2 – 1989 Mack

VFC #3 – 1991 Gruman

Skyview VFC #4 – 1997 Mack

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

**K. Motion** by Falce, seconded by Munsie approving W.J. Woodhouse & Sons as the contractor for the Community Development Block Grant (CDBG) Year 35 Demolitions through a contract with the Steel Valley Council of Governments at a total cost of \$16,700 for the following properties: 108 Homestead Avenue, 3325 Virginia Avenue, 3209 Garfield Avenue and 3722 Greensprings Avenue. Under remarks, Mr. Olasz stated that he is under the impression that there is \$20,000 remaining to demolish additional properties and that Congressman Doyle should be contacted regarding this. Mr. Anthony stated that it would be the Steel Valley Council of Governments who could verify this information. Roll Call: Seven ayes, no nays. Motion carried.

**L. Motion** by Munsie, seconded by Falce appointing Virginia Finnegan as the Borough delegate to the Act 32 Tax Collection Committee. Roll Call: Seven ayes, no nays. Motion carried.

**M. Motion** by Falce, seconded by Stephenson appointing John Munsie as the alternate delegate to the Act 32 Tax Collection Committee. Roll Call: Seven ayes, no nays. Motion carried.

**N. Motion** by Popovich, seconded by Olasz appointing Middle Department Inspection Agency and Code-Sys Code Consulting, Incorporated as third party inspectors for commercial construction projects. Under remarks, Mr. Munsie suggested tabling the motion until the Borough receives more proposals from other companies. Mr. Anthony explained that the Borough is past the States deadline to appoint the required 1 (one) or more companies. Mr. Welsh remarked that Council should pass this tonight to comply with the law and that more can be added in the future. Mr. Munsie withdrew his suggestion to table the motion. Roll Call: Seven ayes no nays. Motion carried.

**DEPARTMENTAL REPORTS:**

**Community Development..... Walter B. Anthony**

Mr. Anthony read the Community Development Report for the month of July 2009.

Mr. Anthony reported that it would be in the best interest of the Borough and the School District to work with P.J. Dick, Inc. and Trumbull Corporation to look for options to try to keep the companies in the Borough.

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

Ms. Finnegan read the Finance Department Report for the month of July 2009.

Mr. Olasz requested that Mrs. Finnegan prepare a cash forecasting report on the Act 511 Taxes.

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

Chief Popovich read the Police Department Report for the month of July 2009.

Mr. Olasz requested a report of the number of grievances filed in the Police Department since the beginning of the year.

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

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

**REPORT OF THE MAYOR:**

Mayor Andzelik congratulated resident Patrick Rodger on his 94<sup>th</sup> birthday and also his 67<sup>th</sup> Wedding Anniversary.

Mayor Andzelik congratulated Mr. Elijah Miller on his upcoming 104<sup>th</sup> birthday on September 14, 2009.

Mayor Andzelik reported that the Annual Crime Watch Parade/Community Day would be held on September 12, 2009. He stated that lineup would be at 11:00 am at Calvary Baptist Church with the parade beginning at 12:00 noon.

Mayor Andzelik reported that he has just been notified that Mr. Earl Wittpenn of the Valley Mirror Newspaper has been diagnosed with lung cancer.

Mayor Andzelik reported there was a power outage recently in his neighborhood and he noticed that the electric company responded very quickly. He noted that he is pleased with how the response time with the water company and the electric company has improved.

## **REPORT OF THE SOLICITOR:**

Mr. Adams stated he would review the Purchase Order for the Streetsweeper and report back to Council.

Mr. Adams reported that the Borough's legal fees continue to run under budget this year.

## **REPORT OF THE ENGINEER:**

Mr. Balewski reported that only 1 (one) bid was received for the Webster Avenue Landslide Project for \$511,000 which is above what he was expecting. He stated that he had sent out 10 (ten) requests for bids and this was the only one received. He said he would talk with the contractor to see if there is any way he could lower the price.

## **REPORT OF THE MANAGER:**

Mr. Bednar reported that he and Ms. Finnegan will be starting on the draft of the 2010 Budget early next month.

**Motion** by Olasz, seconded by Stephenson to suspend the Rules of Conduct for Legislative Meetings for the purpose of addressing the planned Post Office closure on Homeville Road. Roll Call: Seven ayes, no nays. Motion carried.

**Motion** by Olasz, seconded by Stephenson authorizing the Borough Manager to contact Senators Specter, Casey and also Congressman Doyle requesting that they do their utmost to preserve the Post Office located on Homeville Road. Roll Call: Seven ayes, no nays. Motion carried.

**Motion** by Olasz, seconded by Stephenson to suspend the Rules of Conduct for Legislative Meetings for the purpose of instructing Mr. Adams to research and clarify the details of the Streetsweeper Purchase Order. Roll Call: Seven ayes, no nays. Motion carried.

**Motion** by Olasz, seconded by Stephenson authorizing Mr. Adams to make a thorough review of the Purchase Order for the Streetsweeper and to inquire with the company as to whether there is a penalty clause for cancellation and to forward this information to Mr. Bednar to distribute to Council. Roll Call: Seven ayes, no nays. Motion carried.

## **ADJOURNMENT:**

**Motion** by Munsie, seconded by Popovich that the meeting be adjourned. Meeting adjourned at 8:55 p.m. prevailing time.