

## REGULAR SESSION BADEN BOROUGH COUNCIL AUGUST 17, 2016

Council President Robert Besong called the Regular Session of Council to order at 6:30 p.m. in Council Chambers of the Baden Municipal Building, 149 State Street, to conduct business of general purposes.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

**PRESENT:** Mrs. Furr, Mr. Kotula, Mrs. Montell, Mr. Shelkons, Mr. Stuban, Mr. Trzcianka and Mr. Besong

**ALSO PRESENT:** Engineer Tony Sadaka and Attorney Bill Rogers

### ACKNOWLEDGEMENT OF OTHER RECORDING DEVICES

### AGENDA (Changes and/or Deletions)

### VISITORS

- Andy Sabol from 358 State Street had nothing to say but stated that he would like to concede his 5 minutes of floor time to Tom Turney.
- Tom Turney from 336 State Street addressed council in regards to the borough doing work at the Baden Legion. He stated that he had no issues with the Legion and was a veteran himself. His issue is with going on private property using borough resources, material and labor. Mr. Besong stated that he was the one who asked that the work be done after speaking with Mr. Stuban and Mr. Josapak. Mr. Besong felt that it was a small amount of work to fill a few pot holes in the Legion parking lot. Mr. Stuban commented that he never said for public works to do this work and as for last year Mr. Stuban and Mr. Besong were not speaking to each other. Mr. Stuban stated that Mr. Besong did bring it up and he only had good intentions. Mr. Turney noted that he agrees there was no malicious intention. Mr. Stuban stated that Mr. Besong and he spoke and the borough will be reimbursed for the labor and material cost involved in this matter. Mr. Turney stated that the issue is that if you are doing this for one you need to do it for others. He has been to many meetings where residents are told that nothing can be done because the borough can't go onto private property. Mr. Turney again stated that the American Legion is an excellent organization and Mr. Besong has worked hard for the borough. He asked the solicitor if the insurance would have covered a workers injury if he would have gotten hurt while doing work on the Legion property. The solicitor could not answer this question without reviewing the policy. Mr. Turney commented that residents don't want tax increases and any situation (paying for injury that is not covered by the insurance) that may take money from the general fund is major concern. He again stated that the same consideration should be made for all out of respect for the citizens. Mr. Turney asked for confirmation that the 330 State Street contract has been rescinded. Mr. Stuban noted that due to payment not being received in the accordance with the contract it will be rescinded.
- Bob Pudo from 9 Anthony Wayne Terrace and executive board member of the Baden American Legion. He stated that they did approach Mr. Besong a while ago regarding needing repairs of the Legion parking lot. He knows that Mr. Besong went to the Mayor and proper channels to get the job done. Mr. Pudo stated that one gentleman in a straw hat filled three pot holes in 10 or 15 minutes. He stated that the legion does a lot for our community. In vending machines they do over \$3,000. They assist with baseball, other organizations,

and the library. Mr. Pudo expressed what Mr. Besong and the Mayor have done and given to the Legion. He felt that this matter should not have caused such a situation. The Legion is willing to reimburse borough for their time and materials.

- Mr. Kostial asked what the cost was for the time and material to do the work at the Legion. Mr. Stuban stated that the calculation was \$65. Mr. Kostial made a comment that he brought up to council over a year ago about the borough high lift being on private property for 45 minutes. Nothing was done.

Mr. Stuban stated that every resident has the right to speak. Council would like to do a lot of things that would involve going on private property however they are governed by the laws of the state. Council takes an oath to follow those laws. There are repercussions that could have taken place from what happened. Someone could have contacted the Ethics Commissions even though Mr. Besong did what he thought was right but his actions were wrong and he understands that. The cost for the repairs and labor are being taken care of and the Legion is not being asked to reimburse the borough. Everyone has the right to speak and even if someone disagrees it is still the law that the borough must follow.

Mr. Besong stated that he felt insulted and he will pay for the repairs to the Legion.

Mayor Gagliardi felt that he is in a dilemma because every year the Legion asks for an escort to the cemeteries for Memorial Day. He asked the solicitor for guidance. Mr. Rogers stated that he will look into his question and get back to him.

#### **APPROVAL OF MINUTES**

**MOTION** by Mr. Trzcianka, second by Mr. Stuban, carried unanimously to approve the minutes of June 13<sup>th</sup>, 15<sup>th</sup> and July 20<sup>th</sup> 2016

#### **APPROVAL OF BILLS TO BE PAID**

**MOTION** by Mr. Trzcianka, second by Mr. Kotula, carried unanimously to pay all bills with two signatures.

#### **RESOLUTIONS - None**

#### **ORDINANCES**

- 947 - Amending Chapter 180 (Vehicle and Traffic) regarding trucks over certain weights not be permitted on certain streets within the borough.

**MOTION** by Mrs. Montell, second by Mr. Kotula, carried unanimously to adopt ordinance 947.

#### **BIDS – None**

#### **CORRESPONDENCE**

1. Letter from Civil & Environmental Consultants with attached Adjacent Municipal Notification regarding PennEnergy drilling in Economy Borough along Hoenig Road.
2. Letter from PennDot regarding upgrading of curb ramps on Route 65 and request for a 20% cost share in the ramps.

**MOTION** by Mr. Stuban, second by Mrs. Montell, carried unanimously to deny the request from PennDot.

3. Letter from Thomas J. Anderson & Association with attached MMO requirements for 2017. Non-uniform \$50,508 Police \$69,438 (based upon 3 full-time officers)

**MOTION** by Mr. Stuban, second by Mr. Trzcianka, carried unanimously to accept the MMO requirements for the 2017 budget year.

## **COMMITTEE REPORTS**

### **Administration & Finance (John Shelkons)**

- General Fund Balance \$219,563 - Expenses \$129,497
- Water Fund Balance \$219,393 - Expenses \$32,964
- 2015 Audit

**MOTION** by Mr. Shelkons, second by Mr. Stuban, carried unanimously to accept the 2015 Audit.

- **Crossing Guard hourly rate**

**MOTION** by Mr. Shelkons, second by Mr. Stuban, carried unanimously to increase the crossing guard hourly rate to \$10/hour. This cost is shared with the Ambridge School District.

### **Community Relations (Michael Stuban)**

- **Tax Sale Corrections**

**MOTION** by Mr. Stuban, second by Mr. Trzcianka, carried to authorize 2013 and 2014 tax sale corrections.

- **Dye Test Penalties**

**MOTION** by Mr. Stuban, second by Mrs. Montell, carried unanimously to authorize the solicitor to amend the Dye Test Ordinance with penalties and guidelines for when the dye test is not done.

- **330 State Street**

**MOTION** by Mr. Stuban, second by Mr. Trzcianka, carried to rescind the sale of 330 State Street.

**MOTION** by Mr. Stuban, second by Mr. Trzcianka, carried to advertise the sale of 330 State Street for the assessed value (\$47,000).

### **Buildings, Property & Grounds (Ted Kotula)**

Nothing to report

### **Public Safety (Ted Kotula)**

- **Narcans Policy**

Mr. Kotula stated that the policy is instituted and the officers are carrying the Narcans.

- **Part Time Officers**

Mr. Kotula stated that they have interviewed potential officers. He would like to hire five part time officers.

**MOTION** by Mr. Kotula, second by Mrs. Montell, carried unanimously to hire five part time officers pending background check and Act 120 certification clearances. The names are Sean Owen, Nick D'Arrigo, Jason Seng, Mike Stevenson and Brooklyn Barnes.

- **Standardized Interview Format**

Mr. Kotula presented to council a form that he made in regards to following a format for new hires. He asked that council review and comment on the form he presented.

- **Standardized Incident Form**

Mr. Kotula presented and reminded council that there is a standardized form for reporting incidents (property damage, vehicle, person) and he asked that the form be used accordingly.

**Public Works (Dave Trzcianka)**

Nothing to report

**Library (Suzie Furr)**

- **Bylaws**

Mrs. Furr stated that the library bylaws are being rewritten and updated.

- **Fundraisers**

Mrs. Furr stated that the library is working on fundraisers and they will have a booth at the Applefest. Next meeting they will be envelope stuffing for donation request.

- **New President**

Mrs. Furr stated that the library elected a new president, Justin Hostutler.

**Recreation & Communications (Suzie Furr)**

Nothing reported

**Sanitation, Recycling & Municipal Authority (Judi Montell)**

Nothing to report

**Solicitor's Report**

Nothing to report

**Engineer's Report**

Nothing to report.

**Mayor's Report**

Mayor Gagliardi noted that the Police Chief is off on Short Term Disability.

Mayor Gagliardi informed council of his nominating Fred Strecker as the Beaver County Times July Volunteer of the Month for all of the time, money and service that he has given to Baden Borough over the years.

**President's Report**

Mr. Besong thanked everyone for coming to meeting and he apologized for wanting to do a favor for a service organization.

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**OLD BUSINESS**

• **MEIT Joinder Agreement**

**MOTION** by Mr. Kotula, second by Mr. Trzcianka, carried to sign the MEIT Joinder Agreement for the police healthcare.

Mr. Kotula apologized to Mr. Weber for speaking publicly during last month's meeting on something that should have been handled in executive session. Mr. Kotula also volunteered to cut the high grass for five properties that Mr. Weber has been citing as long as Mr. Weber can get approval from the property owners authorizing Mr. Kotula to cut the grass. He asked for the Baden Parks and Recreation Board to get involved and possibly get a Facebook page up asking for volunteers.

Mr. Kolakowski thanked Mr. Weber for assisting him with matters.

Mr. Tumey volunteered to assist with cutting grass.

Mr. Pudo stated that there is a box in front of the Legion for discarded American Flags to be disposed of properly.

**ADJOURNMENT**

**MOTION** by Mr. Stuban, second by Mr. Kotula, carried unanimously to adjourn the meeting. Meeting adjourned at 7:22 PM.

Respectfully submitted for approval,



Elaine K. Rakovan  
Borough Secretary  
September 19, 2016