

REGULAR MEETING BADEN BOROUGH COUNCIL DECEMBER 17, 2014

No Monday Meeting due to lack of quorum.

Council President Judi Montell called the Regular Meeting of Council to order at 7:00 p.m. in Council Chambers of the Baden Municipal Building, 149 State Street, to conduct business of general purposes.

PLEDGE OF ALLEGIANCE

PRESENT: Mr. Besong, Mr. Kotula, Mrs. Michaels, Mr. Stuban, Mr. Trzcianka and Mrs. Montell (Not Present: Mrs. Villella)

ALSO PRESENT: Solicitor James Amato, Engineer Dan Sell, CEO Jim Napolitan, Chief Christner and Mayor Samuel Gagliardi

Acknowledgement of Recordings

VISITORS

Robert Weber, President of the Recreation Board reminded council that Santa will be going around town on the fire truck this Friday starting at 6:00 PM. They will also be collecting canned goods for the Methodist Church food bank. Any leftover candy will also be given to the food bank.

Mr. Weber then addressed the Mayor and Chief Christner in regards to cars speeding along State Street especially after the recent car that got struck on Mr. Weber's side of the street. He asked if a sign can be posted that says that the two lanes do not start until closer to the intersection. Chief Christner stated that he will look into this matter.

Ambridge Connection representative, Felicia Myck thanked Council for their assistance in making their first year a success. During the past year they have written over 700 stories, over 500,000 visitors to their website. She stated that the past year has been extremely exciting. She asked that the borough submit at least twice a month articles for their online newsletter. Mrs. Myck asked that the borough use them as a tool to communicate with the citizens. Mrs. Montell thanked Felicia on behalf of council for the wonderful job that she is doing and congratulated her on the success of Ambridge Connection.

MINUTES

November minutes were tabled due to council not being able to review them since there was no Monday meeting.

BILLS TO BE PAID

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

RESOLUTIONS (Advertised in the Beaver County Times)

- 14-04 Water Rate Increase

Mr. Stuban commented that this will be addressed under his report.

ORDINANCES

None

BIDS – Demolition of 330 State Street

- Unis \$7,500
- C&W \$7,500
- Sipes \$12,500

MOTION by Mrs. Michaels, second by Mr. Trzcianka, to award the bid to C&W as the most responsible bidder at \$7,500. Mr. Besong opposed the motion.

ROLL CALL (C&W as the demolition company)

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|---------------|-----|
| Mr. Besong | No |
| Mr. Kotula | Yes |
| Mrs. Michaels | Yes |
| Mr. Stuban | Yes |
| Mr. Trzcianka | Yes |
| Mrs. Montell | Yes |

Five (5) Yes, One (1) No – Motion carried.

CORRESPONDENCE

None

DEPARTMENT REPORTS**Secretary**

Mrs. Rakovan stated that the calendar is at the printer and it should be available next week. The floors have been refinished upstairs and downstairs. She is working on closing out the year-end books.

CEO

Mr. Napolitan stated that he gave his report to the secretary. (Council had a copy)

POLICE CHIEF

Chief Christner had nothing to report.

PUBLIC WORKS

Mr. Josapak commented that the street sweeper is not working. Mr. Stuban stated that the cost to get the machine running and operational would be between \$1,000 and \$3,000. To refurbish in more would be around \$10,000. Mr. Stuban felt that doing the minimal is all that's needed. Mr. Trzcianka disagreed and felt that we should invest in the full refurbishing of the sweeper because a new sweeper is \$168,000. Mrs. Michaels agreed with Mr. Trzcianka. Discussion followed.

MOTION by Mr. Trzcianka, second by Mr. Besong carried unanimously to spend between \$1,000 and \$3,000 to repair the street sweeper.

FIRE DEPARTMENT

Chief Trzcianka stated that it looks like the fire department will finish the year out with around 150 calls. He asked that council support two grants that the fire department has applied for by submitting a letters. He has the information for the letters and will give them to the secretary for submittal. The grant has a 5% match.

MOTION by Mr. Stuban, second by Mrs. Michaels carried unanimously to send a letter of support for the grant. Mr. Trzcianka stated that he will get the information for the secretary.

MAYORS REPORT

Mayor Gagliardi addressed council in regards to his findings on the borough budget. The purpose of his dissecting the budget is the Mayors state of the borough budget. He asked to point out a few things within the budget. He commented that this is not a witch hunt and he isn't pointing fingers. He is going to state where he fills things could or could not be improved. This will not be a verbal gymnastics between council and himself. He is just going to present the facts as he sees them. This is an exercise in understanding the borough budget. Under the Pennsylvania Borough Code the Mayor has the following options to a budget. 1. Sign the budget within 10 days and it becomes law. 2. If the Mayor decides not to sign the budget it becomes law after 10 days. 3. The Mayor may veto the budget which Council may override by a majority vote, plus 1 after 10 days.

Mayor Gagliardi stated that a budget is a blue print of our finances. He then addressed individual items on the budget.

Under revenue EIT he commented that this year is budgeted at \$390,000. Last year budget was at \$300,000. Why the \$90,000 increase?

Fines and Forfeits 33110 the police department brought in \$17,750 that goes into the general budget. 350020 in the pension have a state allocation of \$58,000 for the state pension that goes into the general fund and is distributed among the police and non-uniform employees. He would like to see how it is distributed.

250070 Police Pension had to distribute 5% of their salary into their pension which amounts to \$14,000 which is a hefty amount. The other departments are not assessed for their pension. He commented that there was an arbitration meeting over the pension and we don't know what the outcome is. If the borough loses then they will have to pay back the \$14,000 plus interest as well as the arbitration and solicitor fees.

Total expenditures last year for garbage were \$257,000. This year revenue is \$291,000 which is a profit of \$34,000. Mrs. Rakovan commented that the final bills were not paid out yet so it will be a wash.

Auditor this year budget is \$6,500 and last year was \$4,500.

Solicitor last year was budgeted at \$15,000. This year it is \$20,000. Expenses are over \$11,000 for this year.

Engineer had a budget of \$10,000. We went over more than \$17,000.

Repairs had a budget of \$4,000 and this year it is \$10,000. Over by more than \$26,000 for 2014.

Mayor Gagliardi stated that these expenses if necessary must be done. However maybe more financial discipline is needed.

Addressing the police department budget Mayor Gagliardi noted that he will be prejudice on this one. Part-time police budget was decreased this year by around \$2,000. 3 girls at 40 hours per week are 120 hours per week or 480 hours per month. Public works has 4 men at 40 hours per week is 160 hours per week or 640 hours per month. The police work 7 days per week with 4 officers which are 280 or 840 for the seven days or 3,360 hours for the month. He is asking for additional funds for the part-timers because he pointed out that the office girls and public works have one shift and if one is off for some reason they are not replaced by another person. Within the police hours if someone calls off sick that shift must be filled. He gave reference to one officer who was sick for four months and his shifts were covered by part time officers. This is about 128 hours that needed to be covered with part time officers. We had to go to the budget to cover those hours. He stated that it is no different that the salt that went up from \$15,000 to \$18,000 per year. If it's needed you get it. Mayor Gagliardi commented that he is asking for an additional 4,000 for the police part-timer.

Mayor Gagliardi addressed the fire department needing a new fire truck. He also commented about needing a sweeper. Mayor Gagliardi suggested that a feasibility study be

done. He stated that a committee of council and steering committee to have the power to investigate and come up with some kind of a plan to buy the fire department a truck. Whether it's enacting a special tax or grant funding. Everything should be studied first.

491811 Debt Summary Equipment Fund was budgeted at \$5,000 and it went over by \$35,000.

49188 budgeted \$12,000 and over by \$25,000. The contingency fund was budgeted at \$14,590 and it was over spent by over \$47,000. Mayor Gagliardi stated that there needs to be physical constraints.

He then addressed the budget for the solicitor. He was budgeted around \$15,000. It went over by more than \$11,000. For 2015 we are budgeting \$20,000. Under repairs there was a budget of \$4,000 and it was over by \$26,000. Equipment fund was budgeted \$5,000 and it went over by \$35,000.

Mayor Gagliardi stated that he has figured a deficit spending of \$161,206. He noted that a five year plan needs to be made for large purchases.

Mayor Gagliardi stated that he will veto the budget if the police department is not restored the \$4,000 for part time officers because it is essential.

COMMITTEE REPORTS

Administration & Finance - (Michael Stuban)

Finance Report – General Fund Balance \$19,682.42 Water Fund \$88,543.78

Motion by Mr. Stuban, second by Mr. Trzcianka carried unanimously to adopt the General Fund 2015 budget in the amount of \$2,082,590. (This represents no tax increase)

Mr. Stuban addressed Ambridge Water Authority raising their water rates in July 2014. Due to this the water rates for Baden Borough need to be raised.

Motion by Mr. Stuban, second by Mrs. Michaels to adopt the Water Fund 2015 budget in the amount of \$789,900. Mr. Besong voted no.

ROLL CALL (Water Budget)

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| Mr. Besong | No |
| Mr. Kotula | Yes |
| Mrs. Michaels | Yes |
| Mr. Stuban | Yes |
| Mr. Trzcianka | Yes |
| Mrs. Montell | Yes |

Five (5) Yes, One (1) No – Motion carried.

Mr. Stuban stated that a resolution needs to be done to address the rate increase.

Motion by Mr. Stuban, second by Mrs. Michaels carried unanimously to adopt **Resolution 14-04** raising water rates first quarter of 2015 as follows:

- For the first 2,000 gallons or less, consumers shall be charged \$48.50 per quarter
- For each additional 1,000 gallons or part thereof, consumers shall be charged \$7.00 per quarter.

Motion by Mr. Stuban, second by Mr. Trzcianka carried unanimously to pay street lights from the Liquid Fuels Account per the budget.

Motion by Mr. Stuban, second by Mrs. Michaels carried unanimously to close the borough books and balance funds on December 30, 2014.

Motion by Mr. Stuban, second by Mrs. Michaels carried unanimously to enact 511 taxes.

Motion by Mr. Stuban, second by Mr. Trzcianka to change depository to ESB and authorize signing of signature cards by the appropriate officials. Mr. Besong voted no.

ROLL CALL (Change Depository to ESB)

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| Mr. Besong | No |
| Mr. Kotula | Yes |
| Mrs. Michaels | Yes |
| Mr. Stuban | Yes |
| Mr. Trzcianka | Yes |
| Mrs. Montell | Yes |

Five (5) Yes, One (1) No – Motion carried

Motion by Mr. Stuban, second by Mrs. Michaels carried unanimously to authorize Council and Mayor to attend 2015 conventions in Pennsylvania.

Motion by Mr. Stuban, second by Mrs. Michaels carried unanimously to adopt the 2015 IRS mileage rate.

Motion by Mr. Stuban, second by Mr. Trzcianka carried unanimously to appoint Mark Turnley's Office to do the audit for year ending 2014.

Motion by Mr. Stuban, second by Mrs. Michaels to advertise the monthly Council meetings to be held 7:00 PM on the third Wednesday of the month with workshop on the previous Monday at 7:00 PM and to include the ADA requirements. Mr. Besong opposed, wanting meeting to start at 6:30 PM instead of 7:00 PM.

ROLL CALL (Keep meeting time at 7:00 PM)

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|---------------|-----|
| Mr. Besong | No |
| Mr. Kotula | Yes |
| Mrs. Michaels | Yes |
| Mr. Stuban | Yes |
| Mr. Trzcianka | Yes |
| Mrs. Montell | Yes |

Five (5) Yes, One (1) No – Motion carried

Motion by Mr. Stuban, second by Mr. Trzcianka carried unanimously to authorize the engineer to fill out the Community Development Grants for Schiller Street, Wolfe Street and Milton Streets for street paving.

Mr. Stuban presented the Baden Anniversary Committee Final Report. The committee has resolved and the remaining money of \$3,626.29 was donated to the local charities and organizations in town. The remaining cookbooks, coins and Baden History Book were turned over to the Baden Recreation Board. The proceeds for the sales of these items will go to the Recreation Board. The organization donation breakdown is as follows:

| | |
|----------------------------------|----------|
| Baden Women's Club | \$500 |
| Sisters of St. Joseph | \$500 |
| Baden Fire Department | \$500 |
| Baden American Legion Auxiliary | \$250 |
| Baden American Legion | \$250 |
| Baden Fire Department Auxiliary | \$500 |
| Baden Lions Club | \$500 |
| Baden Parks and Recreation Board | \$626.29 |

Mayor Gagliardi questioned what was going to be done with the items that were being turned over to the Recreation Board. Mrs. Michaels stated that they will sell them.

Mr. Stuban addressed Council in regards to the questions that have come up over the past few months regarding money given to different organizations.

Motion by Mr. Stuban, second by Mrs. Michaels to review (audit) any money that was given to any organization from the year 2011 on. He stated that this can be done by council and will not require an outside auditor. This will include the audit of the Library, Recreation Board, Crime Watch and any other organization that receives borough money. Mr. Besong voted no stating an official auditor should review the funds. Mr. Trzcianka commented that an outside auditor would be very costly.

ROLL CALL (Audit organizations that received borough funds for 2011 to present)

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|---------------|-----|
| Mr. Besong | No |
| Mr. Kotula | Yes |
| Mrs. Michaels | Yes |
| Mr. Stuban | Yes |
| Mr. Trzcianka | Yes |
| Mrs. Montell | Yes |

Five (5) Yes, One (1) No – Motion carried

Mr. Stuban commented that with everything going on with questioning finances we need to be above board on things. He stated that a few months ago the police department purchased two Tasers. There are rumors going around town regarding the purchase of them. Mr. Stuban asked Chief Christner/Mayor to clarify that the Tasers were purchased from the city of Pittsburgh officers and who were the officers. Chief Christner stated that the one officer was John Gagliardi and the other was John Gagliardi's partner whose name could not be recalled. Mr. Stuban commented that the only reason why he is questioning this matter is that it should have been mentioned before council who we were purchasing the Tasers from so that it didn't look like a conflict of interest. In the future when making a purchase from private individuals the names of which we are making the purchase from should be mentioned.

Chief Christner stated that the Tasers were needed and the price was ridiculously low. Mr. Stuban commented that he is not arguing that at all it's just there was no reason not to mention the names of whom the purchase was being made from and the appearance of not doing so was questioned. In order to avoid a conflict of interest in the future all names should be present to council. Mr. Besong commented that this should be done for all committees.

Building, Property & Grounds (Bob Besong/Ted Kotula)

Mr. Besong had nothing to report.

Community Relations – (Ted Kotula)

Mr. Kotula stated and addressed Mr. Shelkons who was present at the meeting that he got some signs made for the dock area. The signs say Baden Borough Property and the public works department will put them up where needed.

Library – (Kimberly Vilella)

Mrs. Vilella was not present.

Public Safety – (Kimberly Vilella)

Mr. Trzcianka mentioned the blowup snowman that was stolen on Phillips Street and replaced by Sgt. Alvarez at his own expense. This story was all over the news and Council commends Sgt. Alvarez for going above and beyond the call of duty.

Public Works – (Dave Trzcianka)

Mr. Trzcianka had nothing to report.

Recreation & Communications - (Donna Michaels)

Mrs. Michaels stated that on Friday, December 19th Santa will be arriving on the Fire Truck giving out candy from 6:00 PM to 8:00 PM. Additionally if families want to donate a canned good for the Baden Methodist Church Food Bank a car will be following the Fire Trucks to gather the canned goods.

Mrs. Michaels also commented that on Saturday December 20th the Library is having lunch with Santa. You can sign up at the Library.

Sanitation, Recycling & Municipal Authority – (Donna Michaels)

Mrs. Michaels stated that she is staying on top of garbage complaints addressing them as she receives them.

SOLICITOR'S REPORT

Mr. Amato had nothing at this time.

ENGINEER'S REPORT

Mr. Sell had nothing to report.

BOARD APPOINTMENTS

Term will end for the following Board Members:

- Municipal Authority – Dave Trzcianka, 5 year term

Motion by Mr. Stuban, second by Mr. Kotula carried unanimously to reappoint Dave Trzcianka for the 5 year Municipal Authority term. Mr. Trzcianka abstained from the motion.

- Zoning Hearing Board – John A. Dodaro, 3 year term
– Alternate, Ken VanDyke 3 year term

Mr. Stuban asked that we table this until next month to assure that Mr. Dodaro and Mr. VanDyke are still able and willing to serve on the board.

- Planning Board – Donna Michaels, 5 year term

Motion by Mr. Stuban, second by Mr. Trzcianka carried unanimously to reappoint Donna Michaels to the 5 year Planning Board term.

- Library Board – Don Kinunnen and Lesabeth Trzcianka, 5 year terms

Motion by Mr. Stuban, second by Mrs. Michaels carried unanimously reappoint Lesabeth Trzcianka to the 5 year Library Board Term. Mr. Trzcianka abstained.

Mr. Stuban asked that we table Mr. Kinunnen's reappointment until he is asked if he is still interested in the position.

- Educational Service Agency – Sue Ramsey, 3 year term
- Parks and Recreation – Robert Weber, 5 year terms
– Two vacancies, 3 years

Motion by Mr. Stuban, second by Mr. Trzcianka carried unanimously to appoint Robert Weber to the 5 year Recreation Board term.

Mrs. Michaels commented that the Parks and Recreation Board are trying to get High School Juniors to be appointed to the Recreation Board. She has already contacted the school in hopes of finding some interested students who can give input on what the Recreation Board could do for their age bracket. For this reason Mrs. Michaels asked that we keep the two vacancies open at this time.

COUNCIL DELEGATE

- Motion to appoint 1 delegate and 1 alternate as PSAB Voting delegate

Motion by Mr. Stuban, second by Mr. Trzcianka carried unanimously to appoint Donna Michaels as the delegate and Kim Villella as the alternate voting delegate for the PSAB.

- Motion to appoint 1 delegate and 1 alternate for the Beaver County COG Board

Motion by Mr. Stuban, second by Mr. Trzcianka carried unanimously appoint Kim Villella as the delegate and Ted Kotula as the alternate for the Beaver County COG Board.

Old Business Not on the Agenda, New Business or Unfinished Business

Mrs. Trzcianka commented that a bigger garbage can is needed for Community Room.

Mayor Gagliardi gave the police report for the month. Fines collected \$1,018.

Mayor Gagliardi recommended that council not adjourn this evenings meeting because he is going to veto the budget for the concerns that he expressed for the \$4,000 that the police department needs for part time officers. He stated council has ten days to convene which he believes is the 29th and at that time council could override the veto.

Mayor Gagliardi stated that Mr. Stuban brought up a good point. Two police officers in Pittsburgh (one being Mayor Gagliardi's son) had Tasers for sale. They gave Chief Christner the first preference in purchasing the Tasers at a cost of \$250 per Taser. Mayor Gagliardi instructed the Chief to return the two Tasers and get the \$500 back into the treasury and put in a purchase order to two Tasers for \$2,000.

Mr. Stuban commented that although the Mayor can instruct the Chief, Council is in charge of purchases and it would be council's decision to direct the Chief. Mayor Gagliardi stated that Council then needs to make a decision. Mr. Stuban commented that things like this happen and it needs to be disclosed and he doesn't want to get into an argument with the Mayor. Mayor Gagliardi stated it was an opportunity for the borough to save some money. There were other police departments waiting to buy the Tasers. Mayor Gagliardi stated that he would instruct Council to return the Tasers and purchase two new ones at \$2,000. Mrs. Montell commented that she does not agree with the Mayor and Mr. Stuban stated no motion will be made and this was brought out for full disclosure. Mayor Gagliardi then asked what the cost was going to be for the police negotiations that took place on Monday. Mr. Stuban commented that he has no idea. Mayor Gagliardi commented that Council better think about \$10,000 to \$15,000 for the cost associated with the police arbitration.

Mark Kolakowski asked council what the problem was regarding giving the police \$4,000 for part time officers. Mr. Trzcianka stated that there are 300 shifts for part timers. Mr. Kolakowski stated that what happened with Officer Spencer being off can happen again. Mr. Stuban stated that if that happens, it would be considered a special circumstance and will be addressed by Council at the time. Presently there is \$14,000 in the new budget put in for part time officers who cover the time off taken by full time officers. All of the sick, personal and vacation time was calculated to come up to the \$14,000. In addition there is \$40,000 for part time officers to fill the vacant shifts/patrols. The scheduling may need to be changed however there is enough money there to cover the shifts.

Mayor Gagliardi stated that the crutch of the problem is that Council is trying to control the internal affairs of the police department. He then asked to about scheduling of other departments commenting that the office staff two days a week working from 10AM to 6PM or Public Works having two employees work on Saturday. Mr. Stuban stated that if council felt this should be done it would be addressed during negotiations.

Chief Christner stated that since he has taken over as chief he has not gone over his overall budget one time. In fact one year he saved over \$10,000 in overtime by the maneuvering of the schedule and then Council took that \$10,000 out of his budget. He stated that he wants council to know that the \$4,000 that they are taking out of his budget is basically taking extra part timers off the street. So on Thursday, Friday and Saturday when council wants

an extra person out there will not be one. Chief Christner again emphasized that he never went over his overall budget one time in the five years that he has been chief. Mr. Trzcianka asked how many shifts are there. Chief Christner said on Saturday there are 8 or 9 shifts that have to be covered by part timers, maybe even 10. He would have to look at the schedule. Mr. Trzcianka commented that with that and adding Thursday/Friday shift there would be 104 shifts. He asked Chief Christner if this meant we were going to go over 300 shifts. Mr. Trzcianka asked the Mayor if he was correct in saying that the police department was going to go over by 300 shifts. Mayor Gagliardi stated that he didn't think so. Mr. Trzcianka commented then the money is already in the budget. Chief Christner stated that he stays within his budget and not once has gone over. He asked Council why they are trying to fix something that is not broken. Chief Christner then commented that circumstances have come up giving an example when Officer Spencer was off. He then continued to ask why scale back when these things can happen and it's not like he (Chief Christner) is over spending. Mr. Trzcianka commented that you can't budget for worrying about an officer getting hurt. To him it sounds like someone is planning on getting hurt. Council cannot base a budget on what-if's. Chief Christner asked Mr. Trzcianka why for the past five years he has come under budget every year. Chief Christner commented that he takes pride in staying under budget and doing the right thing. He takes pride paying attention to what is coming in and going out every month in his budget. He doesn't want to be chastised next year if he is over budget. Mr. Trzcianka again noted the 300 shifts. Chief Christner commented on the extra shifts for parades, Community Days and Applefest to name a few. Mr. Trzcianka asked Chief Christner to write down what he thinks the total number of shifts for part timers next year include the extra patrols for events. Chief Christner stated that he would get that information for him including breaking out the supervisor shift for evenings.

Mayor Gagliardi commented on possibly hiring a full time officer. Chief Christner and the Mayor stated that they will get the schedule information for Council.

Susie Furr addressed Council in regards to appointing a Councilmember to a board. Mrs. Montell stated that Mr. Trzcianka is very experienced with the Municipal Authority Board and Mrs. Michaels has been on zoning for quite a few years. Mrs. Furr was asked that if she is interested in serving on a board to let Council know. Her main interest was working on the Municipal Authority Board.

Mayor Gagliardi recommended that Council not adjourn the meeting due to him vetoing the budget. Mrs. Montell commented that under the direction of the solicitor it is not necessary.

Mayor Gagliardi stated that he doesn't want to play tit-for-tat and asked Mr. Stuban to show what the approximate \$40,000 was spent for on equipment, \$37,000 Capital Outlay and contingency fund of \$43,000. Plus the \$11,000 over on the solicitor. Mr. Stuban stated that this has been gone over and asked the Mayor to stop playing tit-for-tat.

PRESIDENTS REPORT

Mrs. Montell wished everyone a very Merry Christmas and Happy New Year.

ADJOURNMENT

MOTION by Michael Stuban, second by Donna Michaels carried unanimously to adjourn the meeting.

Meeting adjourned at 8:17 PM

Respectfully Submitted by,



Elaine K. Rakovan
Secretary