

231

## **REGULAR SESSION BADEN BOROUGH COUNCIL FEBRUARY 15, 2017**

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, Mrs. Montell, Mr. Shelkons, Mr. Stuban, Mr. Trzcianka and Mr. Besong (Not present: Mr. Kotula)

**ALSO PRESENT:** Attorney James Amato, Mayor Gagliardi, Foreman Mike Josapak, CEO Bob Weber

### **ACKNOWLEDGEMENT OF OTHER RECORDING DEVICES**

### **AGENDA (Changes and/or Deletions)**

### **VISITORS**

- Joe Geweth from 1177 Harmony requested that the borough put up a mirror across from his driveway to help assist with seeing oncoming traffic. He also noted that there is speeding on Harmony Road and asked that the police patrol it more often.
- Dikky who owns 514 State Street (convenience store) addressed council in regards to issues he is having with the building inspector, Joe Luff. Dikky wants to open a phone store next to his convenience store. Dikky stated that Mr. Luff was rude to his employee Michelle and said that he was going to shut her down and fine them thousands of dollars. Mr. Trzcianka asked him if he submitted the proper paperwork in advance of doing any renovations. Dikky stated that he is ready to submit paperwork that he feels is legitimate, not a blueprint of the entire property which is what Mr. Luff is asking for. Mr. Trzcianka asked if any walls are being or were moved. Dikky stated that it was a tax office before and they put a cabin (walled in area) for the tax office. Dikky wanted to take the wall out and open a store. It is a 16 x 16 space that doesn't need any additional plumbing or electrical work. Mr. Trzcianka asked Dikky if he didn't submit the paperwork how does the building inspector know what you are doing. Dikky said that he is ready to submit but he is not happy with how Mr. Luff approached him. Additional conversation took place which included Mr. Besong's involvement in trying to resolve this matter. Mrs. Rakovan asked if he spoke to Mr. Luff personally because Mr. Luff called and left a message for Dikky to meet with him in the borough building to discuss this matter. Dikky said that he never spoke to Mr. Luff. Mr. Besong told Dikky to turn in the papers. Mr. Trzcianka stated that Mr. Luff should speak only with Dikky not the other employees. Discussion also took place as to who is the true owner of the property.
- Mark Kolakowski addressed council in regards to the wrongful conduct of Mr. Luff and his poor people skills. Mr. Kolakowski stated that he was there and witnessed what happen stating that Mr. Luff ripped papers right out of Michelle's hands. Mr. Trzcianka stated that I am sure there is another side to this story. The last problem like this involved again another contractor not wanting to submit paperwork and follow the rules. Mr. Besong stated that Mr. Luff should be spoken to. Mr. Stuban stated that there is a procedure and if there is a complaint then the proper paperwork should be filled out. Mr. Shelkons agreed that a written statement (complaint) should be submitted. Mr. Kolakowski stated that there is enough evidence of Joe Luffs misconduct that it should be addressed with him. Mr. Kolakowski had a second comment regarding having a mirror put up across from Center Street stating that pulling out of Center Street is unsafe. He stated that two years ago he had a petition presented to Council requesting

the mirror but nothing was ever done. Mr. Trzcianka asked that the mirrors be looked into.

- Jeff from 1540 Roosevelt Road, Pittsburgh PA 15230 and a representative of Signtronics. He addressed council in regards to a promotion that they were helping Fire and Police Departments, as well as Legions with a new sign program that they have. He stated that he liked Joe Luff and understood the circumstances involved with the borough code. He stated that per Joe Luff he submitted all of the proper paperwork to the borough which included insurance coverage, scaled drawings, application, and step by step description of what was going to be done. He understood that Mr. Luff is protecting the borough by following the borough's code of ordinances which states (from 1983) that no digital signs are permitted within the borough. The installer of the sign already cut the post down from the sign location at the corner of State Street and Johnson Avenue. The posts were painted and the sign installed. They stopped everything at that point and did not power up the sign until permission from the borough was confirmed. He stated that already within the borough are more than three digital signs and he explained that the legion sign has smart technology which gives the ability to control the brightness, speed and when the sign is lit. They have the check ready for submission for the permit however the borough would not take it because of the old ordinance that does not permit lighted or digital sign. Mrs. Montell stated that the best resolve would be to amend the zoning ordinance regarding digital (lighted) signs within the borough.

**MOTION** by Mrs. Montell, second by Mr. Trzcianka, carried unanimously to amend the sign ordinance, authorize the solicitor to write the amendment and have it advertised and ready for adoption at the March meeting.

#### **APPROVAL OF MINUTES**

**MOTION** by Mr. Stuban, second by Mr. Trzcianka, carried unanimously to approve the minutes of January 16<sup>th</sup> and 18<sup>th</sup>, 2017

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

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

#### **RESOLUTIONS - None**

#### **ORDINANCES - None**

#### **BIDS - None**

#### **CORRESPONDENCE**

#### **COMMITTEE REPORTS**

1. Thank you letter from Susan Scherfel Dunlap for voting yes to adding her brother, William Francis Scherfel, Sr. to the Baden Vietnam War Honor Roll.

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

- General Fund Ledger Balance    \$193,777    - Expenses    \$140,295
- Water Fund Balance                \$18,357       - Expenses    \$72,841

#### **Buildings, Property & Grounds and Public Safety (Ted Kotula)**

Mr. Kotula was not present.

Mr. Trzcianka stated that some of the concrete board came off of the ramp at the library. They were instructed to put caution tape across the ramp until it can be looked at.

233

Mr. Trzcianka stated that a fire company from Tennessee has offered \$8,500 for the old fire truck.

**MOTION** by Mr. Trzcianka, second by Mrs. Montell, carried unanimously to accept the offer of \$8,500 for the old fire truck.

**MOTION** by Mr. Trzcianka, second by Mrs. Montell, carried unanimously adopt the agreement for newly hired part time police to have to reimburse the borough of costs associated with uniform and vest expenses if they leave the department within one year of hire.

Mrs. Rakovan addressed council regarding getting panels in the community room that people may hand things on as well as a free standing coat rack. She stated that she can do everything for less than \$2,000.

**MOTION** by Mr. Trzcianka, second by Mrs. Montell, carried unanimously to authorize the secretary to purchase the panels and coat rack not to exceed \$2,000.

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

**MOTION** by Mr. Stuban, second by Mr. Trzcianka, carried unanimously to authorize the engineer to apply for the dirt and gravel road grant for Tevebaugh Road.

**MOTION** by Mr. Stuban, second by Mrs. Montell, carried unanimously to accept the change orders for the generator.

#### **Public Works (Dave Trzcianka)**

**MOTION** by Mr. Trzcianka, second by Mr. Stuban, carried unanimously to install a mirror across from 1177 Harmony Road and at the intersection of Center Street and State Street with the engineering sizing them appropriately.

#### **Recreation & Communications / Library (Suzie Furr)**

Mrs. Furr stated that the Recreation Board is purchasing Christmas Lights. Discussion during the Monday meeting was the Borough contributing to the purchase of the decorations. The community yard sale will be June 3<sup>rd</sup> and community days will be June 17<sup>th</sup>. During the January Recreation Board meeting new officers were elected. President is Bob Weber, vice president is Donna Michaels, treasurer is Lesabeth Trzcianka, and secretary Harold Stanton.

**MOTION** by Mr. Stuban, second by Mrs. Montell, carried unanimously to match the purchase of Christmas lights at a cost of \$2,100. This will be six additional decorations.

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

**MOTION** by Mrs. Montell, second by Mr. Stuban, carried unanimously to advertise the dog ordinance with the intention to adopt at next month's meeting.

#### **Solicitor's Report**

Nothing to report

#### **Engineer's Report**

Nothing to report

#### **Mayor's Report**

Mayor Gagliardi stated that there were 147 police calls during last month.

**President's Report**

Mr. Besong had nothing to report.

**OLD/NEW BUSINESS**

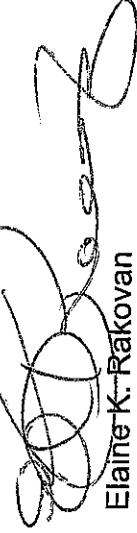
Mr. Weber stated that he has been going around town collecting amusement taxes. He stated that council should consider cutting the tax on the machines in half. Because of Baden's high taxes on machines, many of them have been taken out because they can't afford the \$500. He stated that poker machines are down to 5 at the Legion and 1 at the hotel at a tax rate of \$500 each. Mr. Stuban stated that the ordinance should be look at. Mr. Amato stated that you have to remember that when this ordinance was written there was no local place to go gamble. Now that casinos are so close there just isn't the activity on the machines like there was back then. Mr. Stuban stated that the ordinance needs to be reviewed and be addressed at next month's meeting.

Harvey stated that he would be removing the vehicles and trailer from the alley along his business with the next few weeks.

**ADJOURNMENT**

**MOTION** by Mr. Stuban, second by Mrs. Montell, carried unanimously to adjourn the meeting. Meeting adjourned at 7:13 PM.

Respectfully submitted for approval,



Elaine K. Rakovan  
Borough Secretary

March 13, 2017