

REGULAR MEETING BADEN BOROUGH COUNCIL FEBRUARY 19, 2014

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, Mrs. Michaels, Mr. Stuban, Mr. Trzcianka, and Mrs. Villella and Mrs. Montell (Not Present: Mr. Mutschler)

ALSO PRESENT: Mayor Sam Gagliardi, Solicitor James Amato, Engineer Tony Sadaka and CEO Jim Napolitan

Acknowledgement of Recordings

Mrs. Montell commented that hearing devices are available to visitors if needed.

Before going on with the meeting Mrs. Montell regretfully announced the resignation of Kevin Mutschler from Baden Borough Council. He served on Council with dedication for a long time. That time was appreciated and he will be missed.

MOTION by Michael Stuban, second by Donna Michaels, carried unanimously to accept the resignation of Kevin Mutschler.

VISITORS

Tom Turney from 336 State Street addressed Council in regards to three items. First he asked about 330 State Street and Council intent to acquire the property. He further asked what Council intent was to do with the property if acquired. Mr. Stuban noted that the interest in purchasing the property is correct but as for the intended use of the property it has not been determined at this time. Mr. Turney asked if Council received his letter of intent and they confirmed receipt of the letter.

Secondly Mr. Turney informed Council that he met with Representative Matzie in regards to the Land Bank which is a statute that expedites the process that permits a borough to acquire distressed properties through a revolving credit. There is a minimum population of 10,000 residents however we can join with surrounding communities to fulfill the requirement. Representative Matzie is willing to attend the April Council meeting to discuss and explain how the Land Bank works.

Thirdly Mr. Turney addressed Mr. Ray Kordash, owner of Beaver Valley Floral that burnt down New Year's Eve. He is relocating and reopening on March 8th. He will be in the building across from Louise School of Dance. Many have received an invitation to his grand opening on Friday March 7th and he hopes that he is given the support he deserves. Ray has been a friend of Baden. His generosity has gone out to civic organizations, Baden itself or even individuals. Ray has put all of his final cash flow into this reopening and Mr. Turney asked that everyone show the support that he deserves. As for Mr. Katterson the owner of the mansion, he will be having the mansion repaired. The repairs are being done by DeRose who is also a local Baden business. They are planning a late fall completion.

Gerald Dunstan from 1055 Franklin Avenue addressed Council in regards to placing a stop sign at the intersection of Franklin Avenue and Quigley Drive. There is a section of road where people are driving at excessive speeds. Additionally there is a blind corner and cars are driving five feet into the property owner's yard. Mr. Dunstan is also having difficulty backing out of his driveway. Mr. Besong commented that he has been up there and speeding is an issue.

Mr. Trzcianka noted that a stop sign can't be put up to slow down traffic, however since this is a safety issue he will make a motion.

MOTION by Michael Stuban, second by Donna Michaels, carried unanimously to place a stop sign up at the intersection of Franklin Avenue and Quigley Drive due to the safety consideration of the sharp right hand turn.

Mark Kolakowski from 375 Center Street gave three updates. First he asked if there was movement on the settlement with the police department. Mr. Stuban stated no and that the matter was going to arbitration. Second, Mr. Kolakowski addressed the merger that written in the paper. He noted that he stood before this audience before stating how much he was against a merger. Mr. Kolakowski commented that the meetings need to be out in the open and everyone needs to participate. He continued with his concerns noting that the last place Baden needs to merge with is Ambridge. Commenting that Ambridge is the poster child of how you shouldn't do anything. Between the corruption, collusion and incompetence there he doesn't want his tax dollars to go there. He wants his tax dollars to go towards something that is going to better this community. He commented that Economy Borough has good leadership and if you are going to merge with anyone it should be an adjoining community (Economy or Harmony). The third comment that Mr. Kolakowski stated was that he has attended council meeting for two years now. It is 2014 and we still do not have the website up and running. He doesn't know who is responsible and who is to blame but this is impacting the law enforcement community because in his past (police officer) there are cases that he is actively involved in that even though he is retired there were times when he needed to email the local police department and he is unable to because the police does not have an email address. He further commented that the FBI will not email to a personal address. Mr. Kolakowski stated that he use to do websites and what the Borough is asking can be done in two days. Especially now because you can go to intuit and a five year old can do it. He continued to say that every councilmember and Mayor should have an email address. It's a simple task that he could do in two days.

Mr. Trzcianka commented that if the police need an email address, all they have to do is ask for one. Mr. Stuban noted that he never heard anything from the police about this matter. This was the first time that council was aware of this email issue.

Discussion took place regarding the website delays. Mr. Stuban noted that he met with the designer in November/December. Information needs to be gathered and with the holidays and everything else it got backed up. As mentioned during Monday's meeting Mr. Stuban noted that the website needs to be worked on and put back on track.

Mr. Kolakowski stated that he has preached to Council for two years about crime and about expanding police services. He noted that the crime in Baden is moving up and the seriousness of the calls and crime is getting more serious. There was a time when you could leave you doors open in this town and now there are sex crimes and armed robbery. Mr. Kolakowski noted that this was never heard of before and all the things that he preached about expanding the police force are a necessity.

Mr. Kolakowski addressed the vacancy on the council. He stated that he doesn't know how the vacancy is filled but how it was done in his city in Florida it was the next person inline as far as the votes were. So therefore he wanted to go on record to see Fred Strecker as the new councilmember because he was the next highest vote getter during the elections. He continued to say that is how it (filling the vacancy) should be done and not people's opinions, friends or relatives. The next highest vote getter just happens to be Fred.

Beverly Kotys from Berry Street questioned the merger of the police department. Mr. Stuban explained that this is a study to see the advantages/disadvantages and cost savings that may occur if police departments were consolidated. The Baden police have actually asked that the study be done and the towns that are also interested in the study besides Baden are Conway, Ambridge and Harmony. Tonight a motion will be made to sign a letter of intent which is our request to be included in the study. It is not a consolidation, only a study. Once the study is completed it will be presented and available for the residents. Mr. Stuban noted that one possible good outcome of a consolidation is that there can be specialized officers such as a Juvenile officer or detective. It will take about 8 months to complete the study. Mrs. Montell commented that upon completion of the study if it does

come out as a positive action she would want it to be on a referendum so all the residents can decide on the decision. Mr. Besong stated that he is against the consolidation.

MINUTES

MOTION by Michael Stuban, second by Donna Michaels, carried unanimously to approve the minutes of January 15th and February 4th 2014.

BILLS TO BE PAID

MOTION by Dave Trzcianka, second by Kim Villella, carried unanimously to pay all bills with two signatures.

RESOLUTIONS

- None

ORDINANCES

- 931 – Defining and prohibiting motor vehicles nuisances and prescribing penalties for violations.
- 932 – Amending parking and maintenance of motor vehicles and accessories within the borough and providing for penalties for violations thereof.

MOTION by Michael Stuban, second by Donna Michaels, carried unanimously adopt ordinance 931 and 932.

BIDS

- None

CORRESPONDENCE

1. Letter from the Beaver County COG asking to sign the letter of intent to participate in the Police Consolidation Study.

MOTION by Michael Stuban, second by Donna Michaels, carried unanimously to sign the letter of intent.

2. Letter from Tom Turney regarding Baden's interest in acquiring 330 State Street.

COMMITTEE REPORTS

Administration & Finance – (Michael Stuban)

Water Fund Balance \$140,867.82
General Fund Balance \$162,296.07

Building, Property & Grounds – (Bob Besong)

Mr. Besong stated that he met with Sgt. Alvarez regarding the garage door. Upon review of the door and checking the operations it was determined that a new garage door is not needed at this time.

Mr. Stuban addressed a situation where keys were locked in the Police Chief office and we had to pay for a service to come and unlock the door. This was an accident, but it should not be happening. Mr. Stuban noted that a master key or spare key must be made and kept with the Borough Secretary (Borough Office Key Box) or make a policy holding someone responsible if they don't want to give out a spare key. Mr. Besong noted that he would check into this matter.

Community Relations

Vacant at this time.

Library – (Kim Villella)

MOTION by Kim Villella, second by Dave Trzcianka, carried unanimously to amend the Library Ordinance with the assistance of the solicitor if needed for council to review next month.

Public Safety – (Kim Villella)

Mrs. Villella extended congratulations to Chief Christner on the birth of his new baby boy.

Public Works – (Dave Trzcianka)

Mr. Trzcianka stated that there was a waterline break on Camilla Street and it was repaired.

Mr. Trzcianka went through the Borough News magazine and highlighted some of the interesting articles. (Act 90 changes fundraising laws for non-profits; Volunteer Fire Departments being exempted for Healthcare Reform Act; EPA exemption of fire hydrants that contain lead; Transportation Funding Bill (Dirt and Gravel Road Grants); money available for police training program and the enacting of a \$5 fee registered to the county; Liquid Fuels funding; PennDot sign changes). Mr. Stuban asked the engineer about the "plan" that is required for the sign changes.

Mrs. Michaels noted some big pot holes that are located around the Virginia Avenue area. Conversation took place regarding pot holes all over town. Mrs. Montell commented that as soon as the weather compromises with us the pot holes will be repaired.

Recreation & Communications – (Donna Michaels)

Mrs. Michaels stated that the Easter Egg Hunt for Baden residents only will be held on April 5th. A Breakfast with the Easter Bunny will also be held. It is free for children and adults will cost \$5.

They are working on a Night at the Races, 5K Run and town yard sale.

Sanitation, Recycling & Municipal (Donna Michaels)

MOTION by Donna Michaels, second by Kim Villella, carried unanimously to sign the Intermunicipal Sewage Service Agreement.

Mrs. Michaels addressed the audience about residents filling out the Emergency Response Form for the Beaver County Emergency Management.

Mrs. Michaels commented that the newsletter is being worked on and the Borough Calendar has all the recycling information in it.

SOLICITOR'S REPORT

Mr. Amato had nothing at this time.

ENGINEER'S REPORT

Mr. Sadaka addressed West View Water Authority wanting to connect to our water line. The Solicitor is in the process of writing up the agreement.

Youngblood Paving will be doing the paving project that was postponed last year starting this spring. They stated that the project will be completed by May 15th.

Mr. Sadaka asked to clarify the \$5 transportation fee that Mr. Trzcianka mentioned. He noted that Act 26 use to supply money to the county based upon unemployment level.

Beaver County didn't have to pay the 20% to offset the cost for bridge repairs. Act 26 is now eliminated so the \$5 fee is to help offset that loss in funding.

MAYOR'S REPORT

Total fines collected for last month was \$592.02. Total calls were 187. Mayor Gagliardi gave an overview of the calls. He noted the Ambulance Driver that assaulted a female in the ambulance. This is under investigation. Officer Shipley during routine patrol arrested two individuals from Monaca going into cars and stealing the contents.

Mayor Gagliardi asked that an email address be set up for the police department.

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

Donna Michaels nominated Ted Kotula to fill the vacancy as Councilman.

Bob Besong nominated Fred Strecker to fill the vacancy as Councilman.

Mayor Gagliardi questioned the process, asking if this is going to be done this evening or are the residents going to be given the opportunity to know that there is an opening so they can apply.

Mr. Kolakowski started to speak out and Mr. Stuban noted that Council has the floor and visitors had the opportunity to comment earlier. Mr. Kolakowski spoke out stating that this is an inside deal. Mr. Stuban noted that it is not an inside deal and that Mr. Mutschler's resignation was dated the end of January and all of council was aware of the vacancy including the Mayor. Mr. Stuban noted that in the past when there were openings we nominated from the floor. Mr. Kolakowski again spoke stating that the citizens cannot be out of the mix. Mayor Gagliardi asked the solicitor about the 30 day ruling being from letter date or acceptance date. Mr. Amato researched the questioned and commented that it was 30 days from acceptance. Mayor Gagliardi felt that the procedure is wrong. Mr. Besong noted that this wasn't discussed at a previous meeting. Mr. Stuban noted that this was never done, not even in the years that he (Mr. Besong) was president so why are we changing it? Mr. Stuban commented that there is a motion (nomination) on the floor.

ROLLCALL - Nomination of Ted Kotula or Fred Strecker

Mr. Besong -	Fred Strecker
Mrs. Michaels -	Ted Kotula
Mr. Stuban -	Ted Kotula
Mr. Trzcianka -	Fred Strecker
Mrs. Villella -	Ted Kotula
Mrs. Montell -	Ted Kotula

Four (4) votes for Ted Kotula and Two(2) for Fred Strecker

Ted Kotula is the new Councilman.

Mayor Gagliardi asked if this was a majority. It was confirmed yes.

Mr. Kolakowski spoke out questioning the town's people not knowing that Kevin Mutschler resigned and they wanted to fill the position. Mr. Amato stated that there is nothing that requires council to get public input regarding who is going to be appointed council. Mrs. Villella said that this was done last year when Mrs. Sambol passed away. There was an opening on Council and it was filled.

Mayor Gagliardi noted that the Borough News addressed this matter. If there was an opening on Council it can be posted in the office, newspaper or by word of mouth. That is what the PSAB recommended.

Mr. Turney asked if Council is agreement of the appointment of the new council member. They responded yes. He then asked if any council member would change their position if new people would be brought to the table. They responded no. Then it is a moot point.

Mr. Kolakowski stated that it wouldn't change because it is an inside gig, but the next highest vote getter is not being considered. Mr. Stuban corrected Mr. Kolakowski noting that the next vote getter was not Mr. Strecker, but Mrs. Furr. Mr. Stuban noted that Mr. Kotula was interested in running for Council and he was planning and will run in two years for the position. He was a very active member of the Baden Parks and Recreation Board and serves on the Baden Planning Board. Mr. Kolakowski said let's hear from him... Is he here tonight? Mr. Stuban said no. Mr. Kolakowski stated that he has been to almost every meeting in two years and he has never seen this man so how much interest can he have? Mr. Besong stated that he too doesn't know this man, but he knows Mr. Strecker and he should have been considered.

Mr. Kolakowski said no one knows this man but he is going to be a part of council. Mr. Stuban commented that the votes are done and asked that the meeting move on.

Mayor Gagliardi questioned the procedure. Was it done in the back room? Mr. Stuban stated that it was not a back room deal. Mr. Stuban noted that the Mayor has been in his position since the year 2000 and he never questioned the procedure. Why question it now?

Mrs. Montell stated that the decision has been made and that is the way it stands.

Mrs. Montell asked if anyone else wanted to speak.

Mr. Strecker addressed council in regards to where he can place the snow that is around the Library. Mr. Trzcianka stated that he will have the street department take care of it.

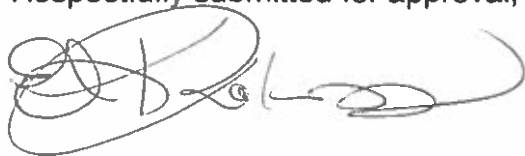
PRESIDENTS REPORT

ADJOURNMENT

MOTION by Michael Stuban, second by Dave Trzcianka carried unanimously to adjourn the meeting.

Meeting adjourned at 7:59 PM.

Respectfully submitted for approval,



Elaine K. Rakovan
Borough Secretary
March 17, 2014