

**REGULAR MEETING
BADEN BOROUGH COUNCIL
JUNE 18, 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, Mr. Kotula, Mrs. Michaels, Mr. Stuban, Mr. Trzcianka, and Mrs. Villella, Mrs. Montell

ALSO PRESENT: Solicitor James Amato, Engineer Tony Sadaka, CEO Jim Napolitan, Chief Christner

Acknowledgement of Recordings

VISITORS

Mr. Shelkons from 785 Athalia Street thanked Council and anyone else who assisted with getting the newspaper article in the Beaver County Times regarding access to the river from Pinney Street. A video was also done and is available online. It was good to get the coverage out about the river access in Baden. Mr. Shelkons stated that during Monday's meeting he had nothing to say however, that was the maddest he had ever left a council meeting. People saying they didn't get answers to questions only to say that they were given answers. He commented that months ago, he asked a question and it was not answered. At that time, he addressed the action to quiet title for the deed of the pump house property. He stated that this is not done on a regular basis. Either there is a flaw in the title or ownership needs to be cleared up. There was one issue for the Baden Borough and West View deal. The quiet title removed the restriction of the original deed regarding the use of the property. It also destroyed the Urling family legacy because the property is no longer protected on the deed. He also felt that the deal with West View is questionable or at least flawed. He addressed the protection of the Urling family wishes. Mr. Shelkons stated he spoke to people in the legal profession higher than just lawyers. If an action to quiet title is considered to be flawed and not done correctly, it can nullify a sale. Mr. Shelkons wanted to know why an action to quiet title was done. Why the deed could not be located when it was made out to Baden Borough from the Urling family? He asked Mr. Amato why this couldn't be located and it was noted in a letter that the deed could not be found? Mr. Amato commented that this was years ago and obviously there must have been more to this matter however he cannot recall what that could have been without researching the matter. Mr. Shelkons stated that someone needs to answer his questions. He commented to Mr. Amato that he is the solicitor and he needs to make sure that things were done correctly. Mr. Shelkons asked why a title search was not done and if so who did it? Mr. Amato again commented that this was years ago and he cannot recall this information. If Council wishes for Mr. Amato to research this matter then he will. Mr. Amato noted that the entire matter would have to be researched and reviewed from start to finish. You can't just look at isolated documentation. Mr. Shelkons stated that he has questioned West View about this too and they have not gotten back to him. He stated that it is his understanding that West View agreed when they purchased the property to permit access to the river. He asked that this be put in writing with West View Water so that they don't change their mind. Mr. Trzcianka stated that he would review the minutes, file and the sales agreement with West View Water. Mr. Shelkons presented the map that shows what West View Water now owns. Mr. Trzcianka commented that before we go into the expense of having the solicitor review the records he would like to review the files himself first. Mr. Trzcianka noted that on Monday at 11:00 he would meet with Mr. Shelkons to review the documents.

John Zeranick from Bauman Avenue addressed Council in regards to what criteria is used in the enforcement of high grass and weeds. Mr. Napolitan stated that anything over six inches is addressed. Mr. Zeranick then asked about trash. This led to him questioning a

neighboring property that has high weeds and trash in their back yard that is snake infested and a safety issue. Mr. Zeranick asked how you can question a few millimeters of grass when no one has challenged the owner of the snake infested trash pile. Mrs. Montell asked Mr. Zeranick if he called the Code Enforcement Officer to report the problem. He responded no, but that Mr. Napolitan should be aware of it. It is visible from Mr. Gagliardi's property. Mrs. Montell stated that it can't be addressed if not brought to the CEO's attention. Mr. Zeranick asked if Mr. Gagliardi and the CEO communicate in regards to this subject. Mayor Gagliardi stated that he doesn't see the mess. Words were exchanged between Mayor Gagliardi and Mr. Zeranick. Mrs. Montell ended the conversation and she stated the CEO will address the matter. Mr. Zeranick commented that he does not want his name to be told to the property owner who has the trash and weed issue. Mayor Gagliardi stated that it will be looked into.

MINUTES

MOTION by Mr. Stuban, second by Mrs. Michaels, carried unanimously to approve the minutes of May 19th, 21st and June 9th, 2014.

BILLS TO BE PAID

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

RESOLUTIONS - NONE

ORDINANCES - NONE

BIDS - NONE

CORRESPONDENCE

1. June 16th email from Damian Amato & Start concerning Firework Statute. State law has been amended subsequent to the Baden Ordinance prohibiting the sale of Legal Fireworks. Keystone Fireworks has requested to put a tent within the borough limits and it should be permitted with periodic inspection of what is being sold at the site to confirm compliance.

Discussion took place regarding this matter. Permitting the sale of the fireworks even though they are not permitted to be used. Mr. Trzcianka asked that this be looked into further. Who does the inspection and who knows what is legal? Chief Trzcianka stated that he would like to review this and get some questions answered before authorizing the sales. Mr. Amato commented that the state act will be reviewed. Mrs. Villella commented that a permit is needed too. Mrs. Rakovan stated that we do not have anything regarding permits for temporary setup of businesses.

COMMITTEE REPORTS

Administration & Finance - (Michael Stuban)

- Finance Report – Water Fund Balance \$220,199.82
General Fund Balance \$165,898.77
Fire Truck Fund \$82,517.73
Liquid Fuels \$225,520.89
- Mr. Stuban asked that everyone review the copy of the MS4 Ordinance for next month and to have the solicitor review it also.
- The Police Consolidation Feasibility Study should be completed by September.

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

Mr. Besong commented that once the property at 330 State Street is purchased we will make sure that no trespassing signs are placed on the property. Mr. Besong also addressed a complaint about the Code Enforcement Officer at Virginia Terrace. He was corrected and told that it was the Building Inspector, not the Code Enforcement Officer. Mr. Besong said that no one should be treated the way the building inspector treated our residents and contractors.

Mr. Besong asked that a motion to be to get rid of the building inspector. Mrs. Villella asked that this matter be looked into further. Mr. Stuban added that the permit has been issued and all parties have resolved this matter. Mr. Stuban felt that Council should meet in regards to the personnel issue. Mr. Besong was adamant about firing the building inspector.

Mrs. Montell asked Mr. Besong to check the wall at the library and see what kind of repair needs to be done on it.

Community Relations – (Ted Kotula)

Mr. Kotula gave an update on getting mile markers for walkers in Baden. He stated that we need to look at liability issues prior to marking the streets. Mr. Kotula spoke about coming up with an identity for the borough. He stated that he'd like to get a list of a few ideas and then present it to the citizens for a vote and input. Additionally Mr. Kotula commented on getting a meeting set up with the railroad to address the river access.

Library – (Kimberly Villella)

Mrs. Villella reported that over 150 kids participated in the library programs. They had Muffins with Mum for Mother's Day and Donuts with Dad for Father's Day. The summer reading program kick-off ice cream social also took place. The Lego Club is the largest group of kids. Over 1,200 items were circulated last month. An adult reading program has also been started.

Public Safety – (Kimberly Villella)

Mrs. Villella had nothing to report.

Chief Christner read a thank you note from a resident for the services of Officer Shipley.

Chief Christner stated that they got a matching \$2,300 grant from Body Armor. This will help purchase approximately six vest. Currently they are applying for the COP Grant.

The SOP is complete with two minor errors that the secretary is fixing. The final copy will need the approval of the Police Bargaining Unit and Council.

Chief Christner stated that the Women's Club and Legion Auxiliary gave donations for the AEDs. The secretary gave him thank you cards to send out however the cleaning people threw them away so he asked the secretary for additional thank you cards.

Public Works – (Dave Trzcianka)

MOTION by Mr. Trzcianka, second by Mrs. Michaels carried unanimously to authorize two public works employees to attend a training on Principles of Locating Water Leaks on July 22nd in Washington County at a cost of \$80 each.

Mr. Trzcianka commented that it looks like the Fire Department will receive a \$25,000 grant from homeland security that will cover the new pagers.

Mr. Trzcianka stated that they are also pursuing a grant from Duquesne Light to convert over to LED bulbs.

Mr. Trzcianka also commented that the fire training building has been cancelled.

Mayor Gagliardi asked about the blue markings on the storm sewers. Mr. Trzcianka explained that it is a part of the MS4 requirements.

Recreation & Communications - (Donna Michaels)

Mrs. Michaels noted that the Community Yard Sale would be on June 28th. Community Day will be August 23rd and Applefest will be October 11th.

The parks are being worked on.

Mrs. Michaels stated that the website should be up and running within the next few weeks.

Sanitation, Recycling & Municipal Authority - (Donna Michaels)

Nothing to report.

SOLICITOR'S REPORT

Mr. Amato had nothing at this time.

ENGINEER'S REPORT

Mr. Sadaka stated that the contractor who did the street paving will be in town next week to go over the repair punch list.

MAYOR'S REPORT

Mayor Gagliardi gave an overview and reported that there were 187 calls and \$5,265.22 collected in fines last month.

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

Mr. Napolitan made comments about Mr. Zeranick's complaint during the beginning of the meeting.

Mr. Stuban stated that any time there has been a complaint the Code Enforcement Officer has handled it. When a report is submitted to the CEO, he follows through on it. Mrs. Montell added that people don't like the Code Enforcement Officer because he is enforcing codes they do not like and it may cost them money if they don't abide by the borough code.

Mr. Kotula asked to add to the To Do List the curbs on Oak Street.

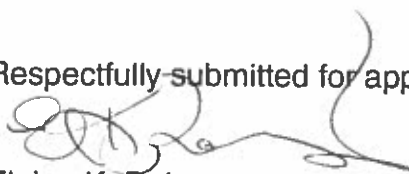
PRESIDENTS REPORT

ADJOURNMENT

MOTION by Mrs. Michaels, second by Mr. Stuban carried unanimously to adjourn the meeting.

Meeting adjourned at 7:55 PM.

Respectfully submitted for approval,


Elaine K. Rakovan
Borough Secretary
July 16, 2014