

**REGULAR SESSION
BADEN BOROUGH COUNCIL
JUNE 17, 2015**

Council President Mrs. Montell called the Regular Session 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

ROLL CALL

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

ALSO PRESENT: Engineer Tony Sadaka, Mayor Samuel Gagliardi and Attorney James Amato

ACKNOWLEDGEMENT OF OTHER RECORDING DEVICES

AGENDA (Changes and/or Deletions)

VISITORS

Tom Turney from 336 State Street addressed Council as the interim tax collector explaining the collections of School Taxes on installment payments. He also addressed a bill that passed the House stating that family members may not be the deputy. Mr. Turney was against this bill and asked for council support against the bill. Mr. Turney addressed 330 State Street regarding sediment and water runoff. He contacted the DEP. Mr. Turney stated that he did the solicitations for the yard sale map. It included \$1,000 in cash donations and \$550 in non-cash donations. There was a very good turnout. The Parks and Recreation Board authorized \$100 to Mr. Turney for solicitation and supplies. The deal was anything that he didn't bring in under \$1,000 Mr. Turney would make up the difference. He did bring \$1,000 in but opted for a tax collector ad since many residents still don't know where to pay their taxes. Mr. Stuban thanked Mr. Turney for organizing the yard sale map and volunteering his time.

Hal Coffey, Council for Bob Franco who lives at 140 Woodhaven Drive. He addressed council in regards to a letter that was sent to the borough regarding Mr. Franco wanting to pave his driveway area known as Woodhaven Drive. He stated that Mr. Franco is the owner of the parcel and other parcels known as the Franco Plan. Mr. Franco and the other property owners are part of a joint road maintenance agreement who want to pave the road. Mr. Franco with the assistance of Mr. Coffey have tried getting the proper permitting through Mr. Luff the Building Inspector. Mr. Coffey stated that it has been an arduous task is an understatement. They are asking for direct response to get the driveway paved.

Bob Franco from 140 Woodhaven Drive asked to file a formal complaint specific to Joe Luff. He stated that his initial involvement with Mr. Luff was in regards to top soil being delivered to his home. Mr. Luff at that time told Mr. Franco's fiancé to stop dumping on the property. Mr. Luff also asked for a copy of the original permit and occupancy permit for his home which was built in 2004 as well as his garage and swimming pool. Mr. Franco felt that Mr. Luff was rude and unprofessional. He stated that Bob Weber was the Building Inspector for all three permits and no issues were made at that time. Mr. Franco has been a resident of Baden for more than twenty years. In the fall of last year Mr. Franco asked what was needed to pave his private driveway and he was told by Mr. Luff that he needs a grading and engineering plan, storm water management plan, grading permit application and fee based upon volume and material, drawing of grade and work to be done, performance bond and approval of majority of approval of parties subject to a road maintenance agreement, approval of John McCullough and Donald

Stern who are neighbors to the right of way, DEP Permit and Heavy Equipment Permit and anything required by the Beaver County Conservation District. Mr. Franco didn't understand all of this for paving an existing gravel driveway. Mr. Franco claimed that the borough required Mr. Franco to take full responsibility of Woodhaven Drive when he purchased the property. The borough does not maintain the road and never has. Mr. Franco asked for Council intervention to resolve his issue. Mr. Trzcianka asked that the engineer get involved in this matter. Mr. Sadaka noted that he just learned about this matter today and reviewed the emails from Mr. Luff and the letter for Mr. Franco's attorney. Mr. Sadaka stated that the length of Mr. Franco's driveway is not standard in that it is over 700 feet and that fact that it is a private driveway does not mean it doesn't need to follow the storm water ordinance. The Ordinance clearly states that you cannot add more water runoff from one property to the next. The list that was supplied by Mr. Luff is correct and most of it is required. Mr. Sadaka stated that when the plan was developed, a sight plan involving the road should have been supplied and approved by the borough. The runoff from a paved road versus a gravel road is very different. What needs to be shown is how the water runoff is not going to the neighbors or onto the borough roads. There are procedures to follow. A plan is required with what Mr. Luff listed. However the plans should be reviewed by the engineer.

Mr. Franco stated that he did propose to Mr. Luff that today what is at the bottom of his driveway is an open pit that goes under the road and dumps out onto vacant property on the other side. Mr. Franco stated that he told Mr. Luff that he would put curbs on both sides of the driveway which would direct the water down the driveway to the same open pit. Mr. Franco is asking for a reasonable resolve to get his driveway paved. He stated he and the residents of Baden probably pay more taxes to this borough than most people here. He stated that his taxes are almost \$12,000 per year.

Mr. Amato asked for clarification as to what Mr. Franco wants council to do. Mr. Franco stated that he is asking if there is a specific requirement that he needs to authorize pavement and what is it and he will follow it. Mr. Amato asked if the issue is Mr. Luff or is it the paving of the driveway. Mr. Amato stated that council is not a part of the grievance process if there is an issue with the person (building inspector). The second part is what is required to get the driveway paved. Mr. Stuban noted that the list pertaining to the permitting/paperwork required for the driveway is mostly correct according to the engineer.

MOTION by Mr. Trzcianka, second by Mrs. Michaels to have the engineer review the paperwork and address the matter regarding Mr. Franco's driveway. Mr. Besong voted no.

ROLLCALL to have the engineer review Mr. Franco's paperwork and driveway paving request (the entire project).

Mr. Besong	No
Mrs. Michaels	Yes
Mr. Stuban	Yes
Mr. Trzcianka	Yes
Mrs. Villella	Yes
Mrs. Montell	Yes

Five yes, one no motion carried.

MOTION by Mr. Besong, second by Mrs. Villella to fire him (Joe Luff)/his company. Mr. Trzcianka asked about all the inspections that still need to be done at the sewage plant who would do them. Mrs. Villella commented that the occupancy permit is already done. Mr. Trzcianka and Mr. Stuban stated that it was not done. Mr. Trzcianka wanted to know who was going to pay a new party to do all of the inspections. Mrs. Michaels asked about replacing Mr. Luff. There were no in favor votes after Mrs. Villella's second so the motion was not carried.

Mr. Trzcianka commented that Mr. Franco was the first complaint that was in writing. Mrs. Villella commented that this was not true noting that the minutes are written proof of previous complaints.

Shirley Spence from 1031 Third Street presented pictures regarding the overgrowth of weeds, poison ivy and foliage along her property from her neighbor's property.

Mr. Stuban commented that Council is in the process of looking for a new Code Enforcement Officer. At the end of the meeting he will ask to recess the meeting until next Tuesday so that Council may move on hiring a CEO.

Mike Darr, 100 Woodhaven Drive made a complaint about Joe Luff. Mr. Darr wanted to get a fence permit for his front yard. It took two weeks for meet up with Mr. Luff. Mr. Darr stated that Mr. Luff via an email said that he would meet him at the borough office. Mr. Darr left work early to meet Mr. Luff who never showed up so the secretary called Mr. Luff. After everything was said and done, Mr. Luff took Mr. Darr's money and stated that he didn't need a permit. Mrs. Montell questioned the taking of the money (\$55). Mr. Darr commented that Mr. Luff stated that he didn't need a permit. Ms. Miketa (office clerk) stated that she was present during the conversation between Mr. Darr and Mr. Luff and she took Mr. Darr's money for the permit and has paperwork documenting it. The secretary will look at the paperwork. Mrs. Villella asked Mr. Darr to write a formal complaint.

APPROVAL OF MINUTES

MOTION by Michael Stuban, second by Donna Michaels, carried unanimously to approve the minutes of May 20th, 2015.

APPROVAL OF BILLS TO BE PAID

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

RESOLUTIONS - None

ORDINANCES

- **940 (As approved by FEMA)** Following the Pennsylvania Flood Plain Management Act of 1978 the Council of the Borough of Baden does hereby require all persons, partnerships, businesses and corporations to obtain a permit for any construction or development; providing for issuance of such permits; setting forth certain minimum requirements for new construction and development within area of the Borough of Baden which are subject flooding; and established penalties for any persons who fail, or refuse to comply with, the requirements of provisions of this ordinance.

MOTION by Mr. Trzcianka, second by Mrs. Michaels, carried unanimously to adopt Ordinance 940.

BIDS - None

CORRESPONDENCE

1. June contract from Glatz Auto Detailing for Police Vehicle cleaning and detailing at an annual cost of \$1,500 for four vehicles

MOTION by Mrs. Villella, second by Mrs. Michaels, carried unanimously to renew the contract with Glat Auto Detailing not to exceed \$1,500 per year.

2. June copy of letter from Damian, Amato & Start to the Baden Police Association acknowledging 2016-2019 contract negotiations.
3. Email from the PSAB regarding the Sunshine Act and calling an executive session.

- 4. Central Westmoreland COG membership renewal \$195. January letter from the Municipal Retirement Trust with attached Joinder Agreement for the Borough of Baden Police Pension Plan. Revisions to change the normal retirement age to 50. In accordance with the solicitor's recommendation an ordinance is required.

MOTION by Mr. Stuban, second by Mrs. Michaels, carried unanimously to renew the membership with Central Westmoreland COG.

COMMITTEE REPORTS

Administration & Finance (Michael Stuban)

- General Fund Balance \$451,859.41
- Water Fund Balance \$148,710.08
- Code Enforcement Officer – Job Description has been passed out for review.

MOTION by Mr. Stuban, second by Mr. Trzcianka, carried unanimously to adopt the Code Enforcement Job Description as presented.

Recess of meeting will take place until next week so that the applications may be reviewed and hiring can take place.

- Letter of Support - Legislature letters of support for Act 111, Binding Arbitration Reform; Senate Bill 755, Municipal Pension Reform; House Bill 316, Municipal Pension Reform
- House Bill 316 – Letter of support regarding Police Pensions going to a defined contribution for all new hire officers.

MOTION by Mr. Stuban, second by Mr. Trzcianka, carried unanimously to send a letter of support.

- Senate Bill 755 – Letter of support regarding Police Pensions (similar to House Bill 316)

MOTION by Mr. Stuban, second by Mr. Trzcianka, carried unanimously to send a letter of support.

- Act 211 – Reforming of Act 111, binding arbitration. The arbitrator must take into account if towns can pay and afford the wants of the police. This act will hold the arbitrator more responsible for his decisions.

MOTION by Mr. Stuban, second by Mr. Trzcianka, carried unanimously to send a letter of support.

- Payment In Lieu Of Taxes (PILOT) for Heritage Valley and Baden Academy.

MOTION by Mr. Stuban, second by Mr. Trzcianka, to authorize the solicitor to pursue Payment in Lieu of Taxes for Heritage Valley and Baden Academy with further organizations to be added as Council reviews them.

Mr. Trzcianka felt that all non-profits should be addressed about payment in lieu of taxes. Mr. Stuban commented to start with the two mentioned proceed with other organizations in the future. Mr. Besong opposed the motion.

ROLLCALL to authorize the solicitor to pursue Payment in Lieu of Taxes for Heritage Valley and Baden Academy with further organizations to be added as Council reviews them.

Mr. Besong	No
Mrs. Michaels	Yes
Mr. Stuban	Yes
Mr. Trzcianka	Yes
Mrs. Vilella	Yes
Mrs. Montell	Yes

Five yes, one no motion carried

Buildings, Property & Grounds (Bob Besong)

- Repair of commode in the police prisoner restroom – the plumbing needed replaced which required a hole to be made in the wall. The drywall will need to be repaired.
- Volunteers to clean up the streets - Mr. Besong will look into finding volunteers (boy scouts, ROTC....)

Community Relations (Ted Kotula)

Mr. Kotula was not present at the meeting.

Library (Kim Vilella)

Mrs. Vilella commented that the summer programs at the library are in full swing. The School is approving their budget and they hope that the \$5,000 to support the library is not cut. The book sale went well.

Mrs. Montell addressed the fountain in front of the library being treated for mosquito eggs.

Public Safety (Kim Vilella)

- Part Time Police – Paul Smith and Steven Gilbert

MOTION by Mrs. Vilella, second by Mr. Trzcianka, carried unanimously to ratify the hiring of part time officers Paul Smith and Steven Gilbert.

MOTION by Mrs. Vilella, second by Mrs. Michaels, carried unanimously to purchase a new radio not to exceed \$700 dollars.

- Negotiations - Letter was sent from the solicitor to the police. The committee will be meeting to discuss negotiations.
- Comp Time – Mr. Stuban commented that police get comp time in lieu of overtime for working hours. This is permitted by state law. One problem is that there are negative balances where officers are using comp time before it is earned. The Chief needs to watch and track this more closely.

Public Works (Dave Trzcianka)

- Summer Help

MOTION by Mr. Trzcianka, second by Mrs. Michaels, carried unanimously to hire Noah Hartman as summer help at \$8.50 an hour.

- River Rescue - Chief Trzcianka informed Council of a river rescue that took place on the previous day where two kids were swept out into the river. He gave Michael Josapak commendation for having the dump trucks down to the shore and they scatter along the shore line to rescue the two kids. Mike Josapak went above and beyond to retrieve one girl down by General Materials.
- Safety Equipment - Mrs. Michaels asked to make sure that summer help and public works has vests, shirts, hard hats and safety glasses. Discussion took place regarding what type of vest is required by PennDOT. It was also asked to make sure that the police have proper vest too.
- Vehicle Management Tracking Devices – Will keep track of where the vehicles are going, excess idling, speeding and monitoring. This is also for employee safety in the event a vehicle cannot be located. Would like to start with the police department and then public works.

MOTION by Mr. Stuban, second by Mr. Trzcianka, carried unanimously to purchase the devices at a cost not to exceed up to \$1200 and/or \$35 per month per vehicle starting with the police vehicles and then public works if the price comes within the allotted amount.

Mr. Trzcianka commented that the benefits of the devices within the public works vehicles is that it would include radios that would have a base in the borough office for communicating back and forth.

Recreation & Communications (Donna Michaels)

- Yard Sale – Great success and thank you to Tom Turney for his hard work in gathering sponsors for the map.
- Applefest – October 10th
- Halloween Parade – Working on the details of the parade.

Sanitation, Recycling & Municipal Authority (Donna Michaels)

- Garbage Contract – working on it so that it may be advertised. The curbside pickup of hazardous waste will be an additional option with the contract.

Solicitor's Report

Nothing to Report

Engineer's Report

Mr. Sadaka had nothing to report.

Mayor's Report

- Permit for the Municipal Authority – There is no fee for their permit.
- Non-Profit Payment in Lieu of Taxes - The Mayor felt that the choice of non-profit entities is being selective and may cause legal issue.
- Total fines collected for the month was \$1,236.63

President's Report

Nothing to report.

OLD BUSINESS

RECESS OF MEETING

MOTION by Mr. Stuban, second by Mrs. Michaels, carried unanimously to recess the meeting until Tuesday, June 23rd at 7:00 PM.

Respectfully submitted for approval,



Elaine K. Rakovan
Borough Secretary
July 13, 2015