

**REGULAR SESSION
BADEN BOROUGH COUNCIL
MARCH 18, 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, Mr. Kotula, Mrs. Michaels, Mr. Stuban, Mr. Trzcianka, Mrs. Vilella and Mrs. Montell

ALSO PRESENT: Engineer Tony Sadaka, Code Enforcement Officer Jim Napolitan, Police Chief Christner, Mayor Sam Gagliardi

ACKNOWLEDGEMENT OF OTHER RECORDING DEVICES

AGENDA (Changes and/or Deletions)

VISITORS

Tom Turney, 336 State Street asked for an update on 330 State Street.

- Abatement will take place within the week
- Demolition will follow, but no date known at this time
- Questioned dust control and mold. Concern will be directed to the contractor

Mr. Turney asked about street sweeping

- Sweeper is broken
- Asked why PennDot is not sweeping State Street. Part of agility program that the borough participated in past years.
- Mr. Stuban commented that PennDot does guarantee the timing of sweeping and with residents complaining that they pay taxes too and they want their street swept.
- Mr. Turney would like to call the state and get some answers
- Sweeper should be fixed and returned within the week

Mr. Turney commended the Office Staff and Secretary for doing a wonderful job with the current tax collections and felt that they should be compensated for their extra work load.

MOTION by Mr. Trzcianka, second by Mrs. Michaels, carried unanimously to authorize Mr. Turney to call PennDot regarding sweeping of State Street.

Beverly Kotys from Berry Street commended the Street Department on keeping the street cleared during the bad weather. Mrs. Kotys also asked about the status of part time police officers and full time officers. Mr. Stuban responded.

- Part time list has been minimized
- A request has been made to hire two more part time officers
- Council has asked that interviews be set up on Tuesday
- No full time officers are going to be hired

Mark Kolakowski from 375 Center Street commended the secretary, Elaine Rakovan on the collection of taxes and assisting in finding records. Mr. Kolakowski then stated that

Mike Josapak gave him the cell phone number for the contact at Columbia Gas because there was a hole on Center Street that they needed to repair. After numerous conversations the hole was fixed.

APPROVAL OF MINUTES

MOTION by Mr. Stuban, second by Mrs. Michaels, carried unanimously to approve the minutes of January 19th, 21st, February 18th and March 4th, 2015.

APPROVAL OF BILLS TO BE PAID

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

RESOLUTIONS – (attached to the agenda for public review)

15-02 Setting the Zoning Hearing Fee at \$500.

MOTION by Mr. Stuban, second by Mrs. Michaels, carried unanimously to adopt resolution 15-02.

ORDINANCES – Advertised for Public Review

938 Adoption of the Borough of Baden Police Pension Plan Joinder Agreement Revision to Change the Normal Retirement Age to 50

MOTION by Mr. Stuban, second by Mrs. Michaels, to adopt Ordinance 938. Opposed by Mr. Trzcianka

ROLL CALL – to adopt Ordinance 938

Mr. Besong -	yes
Mr. Kotula -	yes
Mrs. Michaels-	yes
Mr. Stuban -	yes
Mr. Trzcianka -	no
Mrs. Villella -	yes
Mrs. Montell -	yes

Six (6) yes, One (1) no – motion carried.

BIDS - None

CORRESPONDENCE

1. March 9th letter from PennDOT informing Council that street work will start July 6, 2015 on Phillips Street. Work will consist of milling and resurfacing, drainage, base repair improvements, guide rail and pavement markings.
2. March packet from Bankson Engineers regarding West View Waters proposed construction of the raw water intake facility along the Ohio River. Following the PA DEP guidelines, information has been supplied for review and input regarding Stormwater Management and Hydraulic Analysis.

MOTION by Mr. Stuban, second by Mr. Trzcianka, carried unanimously to authorize the engineer to review the West View Water documents.

3. March 16th letter of resignation from Keith Kristek resigning from the Baden Zoning Board.

MOTION by Mr. Trzcianka, second by Mrs. Vilella, carried unanimously to accept the resignation of Keith Kristek from the Baden Zoning Board.

4. March 16th notice of Liquid Fuels Deposit in the amount of \$105,687.86

COMMITTEE REPORTS

Administration & Finance (Michael Stuban)

General Fund Balance \$131,852.30

Water Fund Balance \$50,331.23

Tax Collector and Collections –

- Office is collecting the taxes
- Collections are up which will affect the earnings of the appointed tax collector
- By law the tax collector is to send the delinquent list to the county by April 15th.

MOTION by Mr. Stuban, second by Mrs. Michaels, carried unanimously to authorize the solicitor if needed to file an extension with the courthouse so that the 2014 delinquent taxes may be filed at a later date.

Mr. Stuban addressed having the delinquent list compiled by the borough since first we know what needs to get done and secondly the tax collector gets no compensation for compile the list which is not fair to them.

MOTION by Mr. Stuban, second by Mr. Besong, to compile the 2014 delinquent tax list and file it with the court house which presently is between \$70,000 and \$90,000. (If not done the borough will be short this money next year.) This will include the school district taxes. Mrs. Vilella voted no.

ROLL CALL – for the borough to compile the 2014 delinquent list for the borough and school district.

Mr. Besong -	yes
Mr. Kotula -	yes
Mrs. Michaels-	yes
Mr. Stuban -	yes
Mr. Trzcianka -	yes
Mrs. Vilella -	no
Mrs. Montell -	yes

Six (6) yes, One (1) no – motion carried.

511 Taxes -

- Would like to be collected by the borough for this year due to the need to update and confirm that past updates have been done.
- Mrs. Vilella had concerned regarding the cost to the borough for tax collections which she felt should be handled by the appointed tax collector because that is their job and responsibility.
- Michele Miketa stated that the borough has done the per capita book for over 21 years and maintaining it is not a problem.
- Mr. Stuban stated that by law we (the tax collector) must collect the borough and school taxes so there is no choice regarding the collection of the delinquent school taxes. His concern is to compile an accurate list of all taxes paid.

MOTION by Mr. Stuban, second by Mrs. Michaels, carried unanimously to have the 511 (Per Capita) Taxes for 2015 collected by the borough.

Mr. Stuban noted to the public that council will be going into executive session, next Tuesday (March 24, 2015) to interview the applicants for the tax collection position and go over the requirements.

Buildings, Property & Grounds (Bob Besong)

- 330 State Street abatement will take place late this week or early next week.

Community Relations (Ted Kotula)

- Would like to do a 5k run to raise money for the Recreation Board

Library (Kim Villella)

- Utilities being paid by the Borough

MOTION by Mrs. Villella, second by Mr. Kotula, for the Borough to pay the utility bills for the Library. Mr. Stuban voted no.

ROLL CALL – for the borough to pay the utility bills for the Library

Mr. Besong -	yes
Mr. Kotula -	yes
Mrs. Michaels-	yes
Mr. Stuban -	no
Mr. Trzcianka -	yes
Mrs. Villella -	yes
Mrs. Montell -	yes

Six (6) yes, One (1) no – motion carried.

Public Safety (Kim Villella)

Chief Christner addressed the following

- The Baden Police Department has no involvement with the tax collector investigation.
- The part time roster only has currently scheduled officers
- Would like to hire two more part time officers
- Chief Christner to set up interviews for Tuesday
- Service to Prevention Network is going well

Mrs. Villella asked for an update on the Magistrate issue and Chief Christner noted:

- No action done, but Chief did speak with Jimmy (Essek) and Jimmy Mann.
- All having same issues and problems with magistrate decisions
- Gave overview of the overweight truck
- Mr. Stuban commented that the Magistrate called him after last meeting. The Magistrate told him that there are certain circumstances that he can't explain but the police should continue to file the citations.

Mr. Kolakowski asked about the constable position. Mr. Stuban noted that it is open for the coming election year. Mr. Kristek has not resigned and has not been removed. This is a county issue.

Mr. Kolakowski asked about the investigation process and Mr. Stuban responded:

- The school district started the process
- The borough got involved at a later date
- No detailed comments may be made at this time

Public Works (Dave Trzcianka)

Mr. Trzcianka stated that the light by Virginia Avenue is not changing. He would like to be present when the company comes in to check the loops at the traffic lights.

Recreation & Communications (Donna Michaels)

- Easter Egg Hunt is March 28th
- No breakfast after the Easter Egg Hunt
- Casino trip is April 19th. Cost is \$50
- Comcast Day of Caring is Saturday April 25th – The Memorial Park will be landscaped. The more volunteers creates more money in grant funding from Comcast
- Applefest is October 10th

Sanitation, Recycling & Municipal Authority (Donna Michaels)

- Garbage Contract needs to be reviewed and advertised for bid this year

Solicitor's Report

Not present

Engineer's Report

Mr. Sadaka stated that the CDBG application has been submitted.

Mayor's Report

- Total fines collected for the month was \$912.88

Mayor Gagliardi read the last month's minutes and addressed some comments under public safety:

- Thank you note to the Baden Legion Auxiliary regarding money given for the AED was not sent.
- Minutes had comment about "Council" being lied to and taken advantage of. *(In this instance being told that a thank you was sent when it wasn't.)*
- Mayor didn't know there were two donations, and a thank you was sent for the first donation. Mayor sent second thank you note.
- Mrs. Montell *(as noted in the minutes from last year)* was told by the Chief that he sent the thank you note.
- Mrs. Villella's comments within the minutes had nothing to do with a thank you note. It had to do with the budget.
- Mrs. Villella felt that the minutes should only include the facts without adjectives.
- The minutes stated that the intent of sergeant position was to have someone in charge during evening hours. Mayor Gagliardi asked that council read from the Police Policy Manual (page 17) that council approved. It outlines the sergeant duties. Borough Resolution 936 has no descriptions giving job duties. It only created the sergeant position.

MOTION by Mrs. Villella, second by Mrs. Michaels, carried unanimously to have Resolution 936 reviewed by the solicitor.

- Conversation regarding scheduling, power, duties of the Mayor in regards to the police department.
- Minutes commented that the Mayor's attorney fees will not be paid since he needed to go to the borough attorney first. Mayor Gagliardi stated that he did go to the borough attorney.
- Mayor wanted a motion passed stating that his attorney bill will not be paid.
- Mrs. Montell asked what the complaint that required an attorney is.
- Mayor Gagliardi stated that he did not have to go to the borough solicitor. He will have his attorney submit a bill.
- Mr. Kotula felt that many of the issues could have been addressed a long time ago if only it was communicated to council.

President's Report

Nothing to report.

OLD BUSINESS

Open Board Positions

- Zoning – Vacancy

MOTION by Mr. Stuban, second by Donna Michaels, carried unanimously to appoint Heather Blanarik to the Zoning Board.

- Still have a vacancy for an alternate on the Zoning Board
- Library Board – one vacancy

RECESS OF MEETING

MOTION by Mrs. Michaels, second by Mr. Trzcianka, carried unanimously to recess the meeting until March 31st at 7:00 PM. Meeting recessed at 8:26 PM.

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Executive Session was held on Tuesday March, 24<sup>th</sup> 2015 at 6:30PM for the purpose of personnel.

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**BADEN BOROUGH COUNCIL
RETURN TO SESSION OF REGULAR MEETING HELD ON MARCH 18, 2015
AGENDA
March 31, 2015**

Council President Mrs. Montell called the 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

ROLL CALL

PRESENT: Mr. Besong, Mr. Kotula, Mrs. Michaels, Mr. Stuban, Mr. Trzcianka, Mrs. Villella and Mrs. Montell

ALSO PRESENT: Solicitor Richard Start

This meeting is being electronically recorded by the Borough Secretary.

ACKNOWLEDGEMENT OF OTHER RECORDING DEVICES

Council members are reminded to speak into the microphone.

MOTION TO CALL THE MEETING BACK INTO SESSION

MOTION by Mrs. Michaels, second by Mr. Kotula carried unanimously to call the meeting back into session.

TAX COLLECTOR

MOTION by Mrs. Michaels, second by Mr. Kotula carried unanimously to appoint Tom Turney as Baden Borough Tax Collector for the 2015 tax year.

- Mr. Turney thanked Council for the appointment

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

Street Sweeper

- Still broken – back for repairs 3 times
- Have over \$8,000 in repairs so far
- A&H Equipment have a used 1996 sweeper for around \$11,000.
- A&H will forgive the repair bill of \$8,000 if we purchase the sweeper.
- Same sweeper that they would lease for \$8,000 per month.
- Questioned if there is a guarantee/warranty
- Includes trading in the old sweeper
- Could it be test driven?
- New one is close to \$200,000
- Weekly rental is \$2,500
- Rent with option to purchase with the rental cost going toward the purchase?

MOTION by Mr. Trzcianka, second by Mr. Stuban carried to work out a deal with A&H to rent the sweeper for a week at \$2,500 with the option to purchase the sweeper at \$11,000 with the rental payment going toward the cost.

TAX COLLECTOR (KRISTEK)

- Mr. Stuban - a meeting is needed with the School Board, solicitors and county detectives regarding the previous tax collector
- Mrs. Vilella - will a forensic audit need done and who would be doing it.
- Mrs. Michaels – 2014 delinquent taxes are due April 15. Attorney will apply for extension on the due date.
- Mr. Stuban – The borough taxes are fairly accurate. School district taxes will be more complicated and more involved.
- Mr. Stuban – Outside (forensic) audit really isn't needed. The budgeted collections for the borough have been collected. The true missing funds will take place this year (2015)
- Mrs. Vilella – Asked how do we determine the collections
- Mr. Stuban and Mrs. Rakovan – The county assessment office determines the total collection value for the borough and school. This figure is used for the budget taking into consideration delinquent taxes. Average collection is between 93% and 95%.
- Baden Borough received their tax money up through the end of 2014.
- Stuban – Forensic audit can cost up to \$100,000
- Spreadsheet analyzing the taxes back to 2003 was done by the secretary, Elaine Rakovan and the auditor said that this spreadsheet would have cost \$5,000 if a forensic auditor did it.
- Legal cost so far has been \$10,000
- The secretary, Mr. Stuban and auditor all came up with the same figure of money lost/missing.

NEW TAX COLLECTOR

- Tom Turney – office location will be 334 State Street
- Tax Office phone number – 724-869-4230
- Office hours to be determined
- Council is welcomed to see the office space
- Bonding requirement of \$3Million – paid by borough and school district
- Advertise
- Mrs. Vilella – informed Mr. Turney about the PA Tax Collector Association

MISCELLANEOUS

- Mrs. Montell asked if there was going to be enough money for her to get flowers for the library and fire department. Mr. Stuban will check into her request.

TEVEBAUGH ROAD

- Darlene Schultz from Tevebaugh Road – The road is in horrible condition and is not being maintained as it has been in the past. Mr. Trzcianka said that the grader is being worked on.
- Mr. Stuban – It is a dirt road and there are two grants that will be looked into.
- Public works did work on Tevebaugh last week
- Mr. Stuban – Dirt and Gravel Road funding requires the borough employees to attend training seminar.

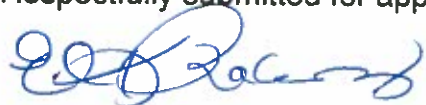
Final comment was that Mrs. Rakovan will set the meeting up with the school board members, solicitors, investigators and council.

MOTION TO ADJOURN

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

Meeting adjourned at 7:23 PM.

Respectfully submitted for approval,



Elaine K. Rakovan
Borough Secretary
April 13, 2015