

**PRE MEETING
BADEN BOROUGH COUNCIL
JUNE 16, 2014**

Council President Judi Montell called the Pre-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, Mrs. Villella and Mrs. Montell (Not Present: Mr. Trzcianka)

ALSO PRESENT: Mayor Sam Gagliardi, CEO Jim Napolitan, Street Foreman Michael Josapak

Acknowledgement of Recordings

VISITORS

John Haslett from 880 Virginia Avenue addressed Council in regards to a retaining wall that he is replacing on his property. He has been in Baden for over 10 years. He has built homes, put on additions and anything from a fence to basic improves within Baden and has never had problems with permits. Mr. Haslett then commented that the current Building Inspector, Joe Luff has stopped him from continuing on the wall noting everything from the height of the wall being over 4 feet (which it was only two blocks high at the time) and needing drawings. Mr. Stuban asked Mr. Haslett if he applied for a permit prior to the wall replacement. Mr. Haslett stated that he did not. Mrs. Villella commented that maybe Mike (Hribar) can explain why.

Christine Haslett wife of John Haslett commented they have two homes in Baden. They keep the homes well maintained to keep up the value of the properties. She noted that she feels that they were singled out and being harassed by Mr. Luff. Their contractor Mr. Hribar came highly recommended and has been in business for over 20 years. Mrs. Haslett commented that Mr. Hribar would know if he needs a permit or not. She noted that council would review pictures of retaining walls that have been done within the last 40 days that are higher and longer than theirs as well as no permits were issued. Mrs. Haslett asked why permits were not required for the other walls. She asked for detailed information for other walls and asked that it include the permit applications for walls over 4 foot in height, need a stamped engineer drawing, NPEDS for the downspouts and absorption rate areas... Mrs. Haslett stated that she and her husband would not tolerate this harassment and being singled out by Mr. Luff. She does not want to seek legal representation to protect their rights, but they will if they have too.

Mike Hribar from Pittsburgh Hardscape, 235 Barbara Street, Freedom PA addressed council in regards to the wall project at the Haslett project. He commented that Mr. Luff was very rude with all of them and he is done dealing with it. Mr. Hribar noted that Mr. Luff shut the project down assuming that the wall was going to be over four feet high. Mr. Hribar commented that he has been doing this for over 25 years. He is certified nationally (NCMA, ICPI certified) and he does the clinics for various wall construction. He stated that he didn't get permit because he does not need one. The wall will not be over four foot and the UCC code states that. He showed Mr. Luff this information and then Mr. Luff started to address the down spouts. Mr. Hribar questioned Mr. Luff regarding other walls and properties within Baden that have downspouts going onto the sidewalks and streets (pictures supplied). Mr. Hribar stated that Mr. Luff commented that he didn't get a complaint about these other walls. Mr. Hribar noted that Mr. Luff sent him nine violations, which did not include code numbers for the violations. Mr. Hribar continued to explain why his project did not require a permit by noting and referencing the UCC. He then presented Council with pictures of other walls throughout town that have downspouts coming out onto the streets. Mr. Hribar commented that Mr. Haslett had terracotta pipes on his property and when they tore down the railroad tie

wall the terracotta, pipes were collapsed. Mr. Hribar repaired it so that the water would go onto grass along the wall. Mr. Hribar said that he was told by Mr. Luff that he needed to do NPEDS permit. Mr. Hribar commented that he has been dealing with Mr. Luff for over 10 years and that Mr. Luff does not like him because he tells Mr. Luff that he does not know what he is talking about. Again, Mr. Hribar addressed the walls throughout the borough that have downspout dumping onto streets and sidewalks. He also noted that the new Sewage Plant has the downspouts dumping onto the parking lot. Mr. Hribar then noted that the borough (Mr. Luff) is discriminating against them (Mr. Haslett and Mr. Hribar) by requiring them to apply for all these permits. He asked that it go on Mr. Luff's file that Mr. Luff has harassed him and his clients. Mr. Hribar noted that he will be filing a suite for back wages and that this is unacceptable. Some discussion took place regarding other walls within the borough. Mr. Hribar asked how does the permit process work in Baden, is it true that if a complaint is not made then a permit is not needed? Or should the Building Inspector check all construction. Mrs. Villella commented that Mike (Mr. Hribar) reached out to many council members on Mr. Haslett's response. She noted that Mr. Hribar brought to her a sheet of paper Mr. Luff gave Mr. Hribar and she reviewed it. Mrs. Villella stated that first of all when a permit is denied every point has to be sited where the information is coming from. She commented that some of this stuff she has never seen giving an example that Mr. Luff wants him to get a soil erosion and sediment control plan and detailed drawings showing absorption areas. Mrs. Villella took it upon herself to call the UCC Academy and the EPA and she said that none of this is required unless over one acre or more is being disturbed. She also noted that there is a conflict on the four foot (for walls). The UCC told her that the four foot includes the footer. She said that the UCC told her it was from the lowest point of the grade unless we (council) amended the code differently. Mrs. Villella commented that she did feel that Mr. Luff was out of line and that there is no reason for him (because he had problems with a contractor in the past) to take that out on one of our residents. Mrs. Villella felt that Mr. Luff should have asked the right questions to Mr. Hribar and Mr. Haslett in regards to one wall, not two and the redirecting of the water. She also noted that the law stated that replacing a wall that is the same or less does not require a permit. Mr. Hribar stated that he wants to see permits and who inspected the walls that have been put up recently in Baden. Mrs. Montell commented that she did go to the property the day after the wall project was shut down and even though there was only a few bricks laid, she could see how Mr. Luff assumed that there was going to be two walls like the original ones. As for the wall height, including the footer Mrs. Montell could not comment. Mr. Besong said that we never had a problem in the past and he recommended that we remove Mr. Luff as the Building Inspector. Mrs. Villella said that this isn't the first complaint. Mr. Stuban commented that this is the first complaint. Mrs. Montell noted that she understands what Mr. Hribar is saying and agrees about the four foot not including the footer however she does have a concern regarding water going right into the street. She also noted that when she was at the location she told Mr. Hribar her concerns about the water and He commented that he could fix that by having the downspouts go into a wet well on the property. Mr. Hribar then noted that after seeing all the other walls and downspouts in town he didn't feel his clients should have to have the extra expense if no one else had to do it. Mrs. Villella noted that the direction of the water was not being changed and that by law if the direction of the water is not changed and it is the same or less there is nothing that needs to be done. Only if they are increasing the water amount do they need to address it. Mr. Hribar said that he did nothing except repair a collapsed downspout that is emptying into the street like other downspouts. Mr. Hribar said that this has been going on since June 9th and the paper he sent is not legal because it does not have the codes and chapters referenced on it. Mr. Hribar then said that he would be sending a certified letter to Council stating that if anything happens to this house while this is being worked out it will be the responsibility of Baden Council and Joe Luff. Mr. Besong again noted that he wants to make a motion to dismiss Joe Luff. Mr. Besong was told that a motion cannot be made at a Monday meeting. Mrs. Villella said that Mr. Hribar is not in violation of any law because the wall is not over four feet high and she feels he should be able to continue with the project. Mrs. Montell said no because the water issue needs to be addressed. Mr. Hribar again noted that he wants to see the paperwork for the (four) other walls that were done before his and that he wants copies for his attorney.

Joe Kostial addressed Mr. Stuban in regards to his complaint about the Building Inspector making one of his neighbors measure their roof for rainwater runoff and dig a

pit. Mr. Stuban commented that checking for building permits is driven by inquiries (complaints) received by the borough office. He is not saying what is right or wrong and noted that he would be the first to admit that he does not know the building code and that is why the borough hires a third party who is certified to do the job. As for questioning if Mr. Luff is right or wrong it must be researched. Discussion took place regarding dye testing for downspouts to not be connected to sanitary sewers. All responsibility for the building inspector's actions should be addressed with Mr. Luff's supervisor (company). Mrs. Villella stated that she called the UCC Academy and PA Labor and Industry and she asked so that she has clear understanding of the law. Mr. Stuban noted that this may need to go before the appeals board. Mrs. Montell asked Mr. Hribar if he could continue with the building and address the water runoff later. Mr. Hribar stated yes and commented that his attorney will take care of the other issue. Mrs. Villella commented that Council President should put a call into Joe Luff tomorrow morning and advise him that this situation needs immediate attention. Mr. Hribar commented that the supervisor should be contacted because Mr. Luff is discriminating against him because Mr. Luff does not like him. Mr. Hribar continued to say that even though the borough hired Joe Luff's company he can still sue the borough. Mr. Hribar noted that he lives in Economy and commented that Mr. Luff was let go from Economy for the same reasons (harassment, threatening and throwing his badge around). Mr. Hribar then commented that he will bring every newscaster in Pittsburgh down here. Mr. Stuban noted that the consistency of the Building Inspector is Council's problem not Mr. Luff's because Council needs to be involved. Mrs. Montell commented that they will address this matter.

Mary Cardwell from Anderson's Candy addressed Council in regards to a storm sewer that is collapsed. This has caused a backup of water onto the property. There is over 600 feet of pipe that needs replaced and the cost was estimated to be over \$40,000. The question as to who is responsible for the storm sewer was brought up. Anderson's admitted that even though it is not written anywhere they did maintain the area however now that it has collapsed they need to know where the pipe originates from (possibly North Avenue). Currently there is a 400-foot circle of floating grass. Research needs to be done on who owned the property prior to Anderson's purchase as well as right of ways. Mr. Stuban noted that Anderson's need to do the research from the recorder of deeds and the engineer may have to look into the where the storm sewers go. Mr. Josapak commented that the entire area is overgrown and it's hard to get to. There is a pond area and beyond that is a terracotta pipe that goes down toward where the water problem is now. Mr. Josapak agreed that there is a drainage problem back there. He also commented that he was told in the past that it is not a borough problem. The engineer will need to be involved.

DEPARTMENTAL REPORTS

BOROUGH SECRETARY

Mrs. Rakovan commented that the auditor has completed her audit. She also reviewed the list of open and outstanding items with council.

PUBLIC WORKS

Mr. Josapak asked that Council approve the sending the two public works employees to a water line class in Washington PA in July.

CEO

Mr. Napolitan noted that council has a copy of his report. He also commented that when he went to his mailbox today there were 14 complaints. When he asked, who gave the complaints he was told by the office clerk that it was one of the borough workers (Randy Dobich). Mr. Napolitan stated that the majority of the 14 complaints have already been addressed. Mr. Napolitan stated that he does not appreciate someone else doing his job. Mr. Napolitan then commented that he does not agree to respond to anonymous complaints. Mr. Stuban noted that a new policy was adopted that states that anonymous complaints must be addressed. Mrs. Montell read the new

policy regarding complaints. Mr. Stuban commented that he did ask the public works department to let him know when they see something that needs to be addressed in town. Mr. Kotula commented the need for a policy and procedure for the Code Enforcement Officer to follow. Discussion followed regarding how Mr. Napolitan enforces the code. Mrs. Villella commented that she (the committee) will sit down and work on a policy and procedure for the CEO.

POLICE CHIEF

Chief Christner was not present.

FIRE DEPARTMENT

Chief Trzcianka was not present.

COMMITTEE REPORTS

Administration & Finance (Michael Stuban)

Mr. Stuban commented that under correspondence there is a request for a 5K race and the use of our parking area. He noted that the Community Room is rented that day and we need to make sure that there is no conflict.

Mr. Stuban stated that he attended a police consolidation meeting the other day and they still need some more input on a few items and then they will start interviewing the different departments. There should be a preliminary cost study by September.

Mr. Stuban addressed Council in regards to ESB Bank and what they have to offer. He asked that Council consider possibly switching banks.

Mr. Stuban reminded that we still need three members for the appeals board under the "Three Strikes" Ordinance.

Mr. Stuban noted that we are working on job descriptions and a credit card payment system for the utility billing. ESB can offer these service as well as electronic check payments.

Mr. Stuban stated that we are working on the keyless entry policy and the camera policy has been given out for council to review.

Building, Property & Grounds (Bob Besong)

Mr. Besong addressed the need for barriers and no trespassing signs at the 330 State Street property. Mr. Stuban informed Mr. Besong that the property is not yet owned by the borough. The property title is not in the borough's name yet. Once the sale is complete then his concerns will be addressed.

Mayor Gagliardi asked what the borough is going to do to address all the violations. Mr. Stuban stated that when the borough gets ownership Council will have to decide at that time what they want to do with the property (repair or demolish).

Mr. Besong asked to be included when they go around and change the cameras and who is supposed to have keys. Mr. Stuban stated that the policies are being written and/or reviewed. It was explained that there will be internet access to cameras as specified by the policy. Mr. Stuban told Mr. Besong that he was present for the meeting. Mr. Besong denied being there and stated that when he showed up for the meeting that the meeting was already over. Mr. Stuban stated that the location of the cameras was presented during a public meeting and a motion was made for the cameras at the time, however Mr. Besong was not present at that meeting. Mr. Besong asked why another meeting was not set up. Mr. Stuban stated that he doesn't know what he is talking about.

Mayor Gagliardi asked about testing the emergency button in the office. The button is not a part of the camera system. Discussion took place about testing the button.

A brief review of the camera policy was covered.

Community Relations (Ted Kotula)

Mr. Kotula addressed the identity of Baden that was discussed during past meetings. He commented that a lot of people liked the idea of a fountain, not that this is what we are going to pursue but that it is getting us thinking to find the identity. He noted that some people even mentioned a clock. Mr. Kotula felt that we should pick three things and let the community choose what our identity should be. Mr. Kotula then addressed the walking trail that can be acted upon more quickly. He stated that labeling it as a trail may have liability issues in regarding to maintaining the trail, however putting mile markers up is easier to achieve. Mrs. Montell commented that the concern would be the conditions of some of the sidewalks. Mr. Napolitan noted that someone actually fell on a sidewalk along State Street.

Mr. Kotula commented that when you go around the local towns there are river front signs and he noted that Baden does not have one. Mrs. Villella explained how Baden does not have river front access. Mr. Kotula asked for that a meeting be set up with the railroad and the board members so that river access can be addressed. Discussion took place as to who to contact. Mrs. Montell stated that it would have to be the main office.

Library (Kim Villella)

Mrs. Villella commented that the entire book drop was returned. A regular mailbox (book drop) will be purchased that is smaller than the one they currently have. She stated that the bricks along the wall of the ramp is still in need of repair. On Wednesday, Mrs. Villella will have the reports. The last day for the librarian is July 31st. They are interviewing for a new librarian. The current librarian is stepping down to be an assistant. Job descriptions are being created. They will begin interviews in July.

Police Department (Kim Villella)

Mrs. Villella asked the Mayor about the arbitration. Mayor Gagliardi stated that it will occur sometime in August. She asked the Mayor if they can get together to start a crisis management program especially it would involve the school. Mayor Gagliardi stated that he started a Citizen Advisory Committee and he would like Mrs. Villella join them. He has three people on the committee.

Public Works (Dave Trzcianka)

Not present.

Sanitation, Recycling & Municipal (Donna Michaels)

Mrs. Michaels discussed some garbage complaints regarding loose garbage in the streets. After driving around the town, people are putting loose trash out (pizza boxes, Giant Eagle bags,...). She commented that we need to put an article in the next newsletter addressing the proper containment of trash.

Recreation & Communications (Donna Michaels)

Mrs. Michaels commented that the Website will be up and running shortly. Starting in July, we will start gathering articles for the fall Newsletter. She noted that the community yard sale will be June 28th. Community and Applefest is coming along.

Mayor's Report

Mayor Gagliardi addressed Council regarding the original deed to the pump house property. Mr. Stuban commented that Council had a copy of the deed (given to them at last months meeting).

Mayor Gagliardi stated that years ago he remembers that downspouts were not permitted to go into the streets because of the overflow of water into the sewers. Discussion followed regarding water being permitted to go into sanitary sewers.

Mr. Stuban asked the Mayor if he wanted to address his questions. The Mayor said it can be done at Wednesday's meeting.

Mrs. Montell commented that the Baden Legion Auxiliary donated \$500 towards the AED purchase for the police department. Mayor Gagliardi stated that he asked for a letter to be sent to Baden Auxiliary and Vocelli's Pizza and it's embarrassing that it wasn't done. Mrs. Rakovan stated that Chief Christner gave her the check from the Auxiliary the next day so that letter was not sent and that she gave the Vocelli letter to the Mayor with his paycheck and she had a note attached to it stating that she did not have the Mayor's letterhead. Mrs. Montell asked that a thank you be sent out to the Auxiliary. Mrs. Rakovan stated that Chief Christner is doing the thank you notes. She personally gave him thank you cards to use.

OLD/NEW BUSINESS

Mrs. Montell stated that she has oak tree saplings that need to be planted. Discussion took place regarding where to put them. She then asked about planting a row of pine trees to put along the entrance of Baden by the Pinney Street bridge entrance. Discussion followed but no decision was made.

Mayor Gagliardi addressed dedicating the trees for the veterans, women's club... Discussion followed and Council agreed that it was a good idea.

Mr. Stuban decided to address the Mayor's questions regarding the loan so that it doesn't hold up the loan process. He explained that the Mayor is holding up the loan process because he has questions regarding the Ordinance. Mr. Stuban noted that a lot of the answers that he will be given have already been answered during previous meetings. The questions were answered as follows:

1. Why is this a private sale instead of a public sale? Mr. Stuban commented that when we applied for a loan this is what the bank did. The bank provided the documents and did everything. This is the same type of loan that we did five, ten, fifteen and twenty years ago. Nothing has changed with the exception of the laws that have become stricter regarding banking.
2. What were your quotes and percentages? Three different banks were asked and the rates were very similar. However, one bank stated that the only way to get a loan for \$400,000 is to have \$400,000 in your account. The second bank does not have a local representative. The third bank is local and provided the most interest. Pennvest was not considered because it takes months and sometime a year to get. Currently Pennvest loan rates are higher than the banks.
3. How many note councilors were interviewed before selecting Mr. Salopek? Mr. Stuban stated that we did not select Mr. Salopek the bank did. It happens to be that Mr. Salopek is the banks solicitor.
4. What impact would the interest rate have on the budget? Mr. Stuban stated as discussed three different times and twice this year we will have to raise taxes to cover the loan, but it is not being raised specifically for the loan. We have used Liquid Fuels Funds in the past to pay for loans. Mr. Stuban noted he did try to raise taxes last year one mill because of the police pension increase of \$40,000. Even with the police contribution, taxes still need to be raised next year. Liquid Fuels will cover the loan payments.
5. What are we doing about the extra \$100,000? Mr. Stuban stated that he has no idea what that question is addressing.
6. Recent expenditures (Texaco purchase, security cameras, ...) are coming from the carryover from last year and has nothing to do with the loan.

Mayor Gagliardi commented that the problem was Mr. Stuban should have answered the questions on Tuesday and he would have signed the Ordinance on Wednesday. He then stated that Mr. Stuban was abstinent and had to be in charge. Mr. Stuban interrupted and asked Mayor Gagliardi why he didn't walk down the hall and ask Mr. Stuban his questions in person instead of having the secretary deliver the questions to him. Mayor Gagliardi stated that Mr. Stuban was in a meeting with Mr. Mutschler and Mr. Stuban should have called him. Mr. Stuban stated that the Mayor told the secretary that he didn't want to give the paper to him and for her to give it to him. Mayor Gagliardi asked Mr. Stuban why he wasn't man enough to call him. Mr. Stuban commented because he was ticked at these questions, which have been asked and answered month after month, and it hasn't sunk in. Mr. Stuban stated that he doesn't know how else to explain it. The Mayor stated that as a Mayor and taxpayer he has every right to ask questions. Mr. Stuban stated that questions have been answered. Mayor Gagliardi stated that he wants the answers in writing. Mr. Stuban stated that he is not getting it in writing. Mayor Gagliardi stated that he is not getting the vote. Mr. Stuban stated that he doesn't care if the Mayor wants to put the town in jeopardy. Mr. Stuban asked Mayor Gagliardi what part did he not understand. Mr. Stuban also commented that this didn't become an issue until he mentioned changing bank. Mr. Stuban stated that this gives the perception that the Mayor and Mr. Besong are getting something. Mayor Gagliardi stated that what made him upset was when he asked Mr. Stuban about getting a quote from Citizen Bank. The Mayor said that he went to see the Manager at Citizen and he knew nothing about the loan. Mrs. Rakovan explained that we do not go through the local branch and that we go through the government banking department, which is not at the local branch. Mayor Gagliardi commented that he feels bullied. Mrs. Villella commented that the Ordinance should be signed and let's move on.

Mr. Besong asked to speak. Addressing Mr. Stuban, Mr. Besong stated that every time Mr. Stuban lost the election he was appointed when there was an opening and he (Mr. Besong) was one of those votes. Mr. Besong then commented that he was taken off of being Council President and was stabbed in the back. Mr. Besong accused Mr. Stuban of having friends at the ESB bank stating that we have been with Citizens for over 8 years. Mr. Stuban noted that he doesn't bank at the ESB bank and he doesn't have a friend there. Mr. Besong continued to state that Mr. Stuban is stabbing him in the back.

Mrs. Villella commented that Mr. Stuban puts endless hours into this borough as well as his personal money into borough well above all of council. Mayor Gagliardi stated that the citizens need to know the answer. Additional comments were exchanged. Mrs. Montell ended the discussion.

President's Report

ADJOURNMENT

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

Meeting adjourned at 9:07 PM

Respectfully submitted for approval,



Elaine K. Rakovan
Borough Secretary
July 16, 2014