

**REGULAR MEETING
BADEN BOROUGH COUNCIL
FEBRUARY 20TH 2019**

Council President Judi Montell called the Regular Meeting of Council to order at 6:30 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: Mrs. Furr, Mr. Kotula, Mr. Shelkons, Mrs. Singleton, Mr. Trzcianka and Mrs. Montell (Not present – Mr. Besong)

ALSO PRESENT: Mayor Sam Gagliardi, Police Chief Christner, Public Works Foreman Michael Josapak, Code Enforcement Officer Bob Weber, Solicitor James Amato, Engineer Tony Sadaka

ACKNOWLEDGEMENT OF OTHER RECORDING DEVICES

AGENDA (Changes and/or Deletions)

VISITORS

- Mrs. Spence from 1031 Third Street asked council for an update on what will be taking place in the cul-de-sac area at the end of her road. There is a work truck parked in front of her home with cones around it prohibiting emergency vehicles and plow truck from access to this area. He asked the vehicle owner to move his truck so that the street may be plowed and the vehicle owner refused. Mrs. Spence stated that she is unable to pull in front of her property on the street. People can't turn around and they are trying to use her driveway to turn around. She said if yellow lines are going to be painted she wants confirmation that they will be enforced. Mr. Trzcianka asked that Wrights be contacted and ask that their vehicle be parked elsewhere. Chief Christner stated that he spoke to the gentleman and told him by law he does not need to park further up but out of curtesy would he do so. He was willing to do so however there must have another exchange of words between him and Mrs. Spence so he continues to legally park in front of her house. Again, Chief Christner commented that as of now the vehicle is legally parked and the cones being put out are for safety and other companies do this such as Comcast. Chief Christner stated that they try to help Mrs. Spence out but there is nothing legally that the police can do. Chief Christner stated that he would call Mr. Wright and stated that lines cannot be painted until spring.
- Michael Stuban from 44 Anthony Wayne Terrace questioned the police chief about letting go a known burglar who was arrested. Chief Christner and Sgt. Alvarez explained the legality of the case which involved the county DA's office as well because there were stolen guns involved that the police feared would get into the wrong hands. The suspect was given a plea deal for details of the burglaries as well as where the fire arms were stashed. The police did have a search warrant when they entered his home however the guns were not in the house. Sgt. Alvarez stated that all they had was circumstantial evidence which would not go in the courts. They needed to get the suspect to admit to the burglaries and reveal the location of the guns. Sgt. Alvarez explained the Officer Shipley was the investigator in this case and he did an outstanding job. When the suspect was taken in he could have walked at any time because he was a suspect at this time. The DA's office assisted in directing this case and Sgt. Alvarez said that this suspect will show up. Chief Christner stated that the decision was also on him because he wanted to make sure that guns were found

which did happen. Mr. Shelkons asked is there a policy for putting information in the paper about police incidents within the borough. Chief Christner stated that there is not a policy; however they do put information out there when there is enough time and the circumstances are ok to do so. There are times when the police do not want the public to know because it is detrimental to the investigation.

- Frank Martocci from Ambridge introduced himself to council as a candidate for our local magistrate.

MINUTES

MOTION by Mr. Trzcianka, second by Mr. Shelkons, carried unanimously to approve the minutes of January 9th and 16th, 2019.

BILLS TO BE PAID

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

RESOLUTIONS - None

ORDINANCES - None

BIDS - None

CORRESPONDENCE

1. Letter from Michelle Georgakis with the Lady Bridgers Fastpitch, a non-profit organization requesting the use of the Community Room on the first Tuesday of each month and for the rental fee to be waived.

Discussion took place by council asking for more details. Mrs. Rakovan stated that she left a message with Michelle to call her back because there are more questions that need to be answered and she has not called back.

2. Letter from the Baden United Methodist Church asking permission to close Dippold Avenue from State Street to Berry Street on April 13, 2019 from 12:30 PM to 3:00 PM for their annual Easter Egg Hunt.

MOTION by Mr. Trzcianka, second by Mrs. Singleton, carried unanimously to authorize the Methodist Church to close Dippold Avenue for their Easter Egg Hunt.

COMMITTEE REPORTS

Finance (John Shelkons)

- General Fund Account Balance \$48,295
- Water Fund Account Balance \$189,411
- Expenses \$112,783
- Expenses \$83,726

Public Safety (Ted Kotula)

- Police Contract – Finalized, needs signature of Council and Mayor
- Part Time Police

MOTION by Mr. Kotula, second by Mrs. Singleton, carried unanimously to hire Scott Broge and Douglas Edgel

- New Police Vehicle

MOTION by Mr. Kotula, second by Mr. Trzcianka, carried unanimously to purchase the vehicle at a cost of \$25,762 with up-fit cost of \$10,703.

Ambridge Borough is going to purchase the old car for \$8,500. The police would like to mark the current unmarked 2016 Charger and the new vehicle be unmarked. This way there will be a marked police car stationed at the schools.

MOTION by Mr. Kotula, second by Mr. Trzcianka, carried unanimously to accept the bid of \$8,500 from Ambridge Borough for the old police vehicle.

MOTION by Mr. Kotula, second by Mrs. Singleton, carried unanimously to mark (stripe) the 2016 Charger.

- Council Sound System

MOTION by Mr. Trzcianka, second by Mr. Shelkons, to purchase replace the speaker and purchase the microphones at a cost of \$990 for the speakers an \$875 for 10 microphones. Mr. Kotula abstained from the vote as the vendor is a relative. Went to a Roll Call Vote.

ROLL CALL - to purchase replace the speaker and purchase the microphones at a cost of \$990 for the speakers an \$875 for 10 microphones.

Mrs. Furr	Yes
Mr. Kotula	Abstained
Mr. Shelkons	Yes
Mrs. Singleton	No
Mr. Trzcianka	Yes
Mrs. Montell	No

(3) Yes (2) No - Motion carried. *(NOTE: this motion was questioned by the solicitor in that an abstention is viewed as a No vote, this led to a tie which the Mayor broke by voting yes. This led to a second question by the solicitor in that the Mayor is breaking a tie vote when a abstention is a part of the vote – the matter was tabled until the solicitor did research which was submitted to council on February 28, 2019 in writing stating that when a member abstains from a vote and that abstention causes a plurality vote, a plurality is all that is needed to conduct business on behalf of the Borough. So in this case the abstaining member should be considered absent under these facts.)*

- No Smoking on Borough Property

MOTION by Ted Kotula, second by Mrs. Singleton carried unanimously to have the solicitor write a No Smoking on Borough Property Ordinance so that it may be properly enforced.

- Apartment building on Washington Street

Mrs. Rakovan explained that the apartment building on the corner of Washington Street and State Street had wind and rain damage that caused the brick façade at the top of the building to bow out. During the wind that took place earlier in the day the façade fell off of the building, disconnecting the electricity and causing building debris to cover upper Washington Street (which was already closed due to the visual safety concerns). The fire department and police were on scene. The building inspector had to declare the building unsafe because of not having electricity and the residents had to be evacuated at the landlord's expense for housing them. The Red Cross would assist by housing the tenants for 3 days. This information was given to the landlord for his tenants. Mrs. Rakovan thanked Kevin Mutschler for assisting in getting emergency services out and the borough engineer to inspect the building as the secretary was not in the office when the bowing of the building was first noticed. Mrs. Montell agreed and

she thanked everyone for working well together to get address this issue. Mrs. Rakovan assured council that the landlord will repair the building and take care of his tenants.

Building, Property & Grounds (Ted Kotula)

- T-Mobile Site Agreement – After review and recommendation by the attorney and a third party, T-Mobile we asked increase their quarterly lease payment to \$5,250 and they agreed. Revenue increase will be \$3,000.

MOTION by Ted Kotula, second by Mr. Trzcianka carried unanimously to sign the T-Mobile Site Agreement.

Public Works (Dave Trzcianka)

- Trailer Court – Building inspector stated that there violations under the property maintenance code that he may file. The sewer issue must be enforced by the Municipal Authority. After seeing the mobile homes, under Mobile Home Act of June 15, 1976 the building inspector will not authorize any of the mobile homes in the park to be moved/relocated.

Municipal (Dave Trzcianka)

- Crushed sanitary sewer under Route 65. Asking Representative Matzie and Senator Vogel for assistance as it is believed that PennDot damaged the sewer last year during their contraction repairs on Route 65. Mr. Trzcianka stated that the estimated repair for the sewer line is \$52,000.

Library (Suzie Furr)

- No report

Community Relations & Recreation (Dawn Singleton)

- Business donations for this year's Harvest Festival – Mrs. Singleton stated that the Recreation Board has started to send out donation letter to the local businesses for this year's Harvest Festival.
- Reorganization meeting has been postponed due to low member attendance at the last meeting.
- Grant for playground equipment – Mrs. Singleton stated that she visited with Representative Matzie about a grant for new playground equipment. The grant requires a 15% match from the borough. She asked council if they would fund the 15% match to bring the playgrounds up to standard. She is looking for a \$50,000 grant and is asking council to fund \$7,500. Mrs. Montell stated that she doesn't see investing the money in fixing up the tot-lot on Moore Avenue because there are not enough people who use it. Mr. Weber stated that there are 22 kids that use it. The grant submission date is May 30th. Mr. Trzcianka recommended doing a better study of the parks but he had no problem with coming up with the money if we get the grant.

MOTION by Mrs. Singleton, second by Mrs. Furr carried unanimously to pursue the grant of \$50,000 with the borough matching the grant at 15% or \$7,500.

Administration & Legislation (Bob Besong)

- Per state guidelines the borough needs to update their ordinance to adopt the 2015 property maintenance and building construction code. Motion to advertise with the intent to adopt at next month's meeting.

MOTION by Mr. Trzcianka, second by Mr. Shelkons carried unanimously to advertise the updated ordinance to adopt the 2015 property maintenance and building construction code.

(At this time a roll call vote was made to table the motion to purchase the speakers and microphones which ended in a tie vote. Mrs. Furr – Yes, Mr. Kotula – No, Mr. Shelkons – No, Mrs. Singleton – Yes, Mr. Trzcianka – No, Mrs. Montell – Yes....Not knowing if the Mayor could vote he still asked to cast his vote of No to tabling and Yes to get the speakers and microphones. This was addressed and clarified by the solicitor on his February 28, 2019 correspondence) Discussion followed to regarding the need for the speakers and microphones.

SOLICITOR'S REPORT

Nothing to report

ENGINEER'S REPORT

- Circle Street – Project is complete
- USDA Grant/Loan Application – Being completed. Estimated costs for the projects are as follows:

Berry Street Water Line (Ehman to Dead End)	\$143,450.00
Ehman Avenue Water Line (State to Grandview)	\$143,125.00
North Avenue Water Line	\$524,312.50
Franklin Avenue Water Line	\$302,187.50
Includes 15% Engineering and 10% Contingency	<u>SUBTOTAL \$1,113,075.00</u>
Water Meters	\$900,000.00
Engineering (5%)	\$ 45,000.00
Contingency (10%)	\$ 90,000.00
	<u>SUBTOTAL \$1,035,000.00</u>
Fire Hydrant Removal/Replacement 37 at \$11,000 each	\$407,000.00
Engineering (5%)	\$ 20,350.00
Contingency (10%)	\$ 40,700.00
	<u>SUBTOTAL \$468,050.00</u>
	TOTAL: \$2,616,125.00

Mr. Trzcianka asked of these figures cover full paving of the road. Mr. Sadaka stated that it covers the paving of the area that is cut open (approximately 1 lane). Mr. Trzcianka stated that we ask for the money and then see what the give us. We can always cut the project. Mr. Shelkons questioned the need for remote water meters and how long it would take to recoup the cost. Mrs. Rakovan explained how the current manual process works. Each meter is read and the number hand written down into a book. The clerk then reads the handwritten meter and enters that number onto the computer. This leaves an opening for human error. By having remote meters the human error factor is totally removed. Mr. Josapak noted that approximately 25% of the meters are already capable of remotes. Mr. Josapak had a concern for new fire hydrants because the waterlines to the hydrants need replaced because they are old or on 4 inch lines.

MOTION by Mr. Trzcianka, second by Mrs. Furr carried unanimously to accept the budget application amount of \$2,616,125.

- Borough Building Walkway – final coat on the concrete will be done in the spring. It is recommended that a canopy be placed over the walkway for long term preservation of the concrete.

Mrs. Montell commented that it was recommended that once we fix the walkway that a canopy be placed over the walkway to prevent and lesson any damage to the walkway. She would like council to consider this once the walkway is complete and the weather is better.

- Berry Street Waterline Loop – CDBG Grant (FY 2018) – Plans and specifications are being prepared for the waterline to loop the dead end of Berry Street down to State Street. This project requires application to PennDot for a highway occupancy permit (HOP) to make the connection n State Street. The project will go to bid when the HOP is obtained.
- CDBG FY 2019 Grant Application – Due date is March 29, 2019. Preparing an application for the Library steps and ADA access improvement at the front of the building.

MAYOR'S REPORT

Mayor Gagliardi reported that there was \$702.22 collected in fines last month. There were 300 calls last month.

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

Chief Christner addressed council in regards to his budget showing \$500 for radios and he doesn't believe that they used the budgeted amount last year. With having to officers at the schools he would like to purchase a minimum of two new radios. Mr. Trzcianka stated that they do not make the radios that we use anymore, however there are good used ones out there that we could purchase three maybe four radios for \$500.

MOTION by Mr. Trzcianka, second by Mrs. Singleton carried unanimously to purchase up to three portable radios not to exceed \$500 for the police department.

Mr. Trzcianka asked the Chief if the borough has stop sticks. The responded no as they are a liability. If the police put them down someone can crash and get hurt or loses their life.

Mr. Weber asked about the paving project of Rotteck Street and if there was a finishing top coat. It was explained to Mr. Weber that the road was not paved. Some of the streets were only tar and chipped. Mr. Weber stated that some of the roads look like they are already falling apart. Mr. Sadaka stated that he would have to look at the streets as there are two year bonds for the work done.

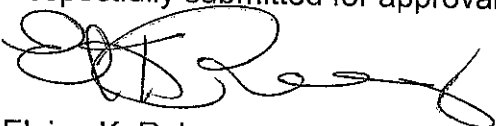
PRESIDENTS REPORT

Mrs. Montell stated that the police contract has finally been signed.

ADJOURNMENT

MOTION by Mr. Trzcianka, second by Mrs. Furr, carried unanimously to adjourn the meeting at 7:37 PM.

Respectfully submitted for approval,



Elaine K. Rakovan
Borough Secretary
March 13, 2019