

# REGULAR MEETING BADEN BOROUGH COUNCIL MARCH 16, 2022

Council President Dave Trzcianka called the Regular Meeting of Council to order at 6:00 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. Bosh, Mr. Jones, Mr. Miller, Mr. Shelkons, Mr. Stuban and Mr. Trzcianka

**NOT PRESENT:** Mrs. Singleton,

**ALSO PRESENT:** Fire Chief Dennis Baker, Solicitor Jimmy Amato

## AGENDA (Changes and/or Deletions)

## VISITORS

- Lori Tomb, 749 Hillcrest Avenue addressed Council regarding 720 Ehman Avenue that is being built by Eichhorn Enterprises. Mrs. Tomb noted that she and many other people have complained about this building. She stated that it doesn't belong in an R2 zoned neighborhood and the property doesn't meet the ordinance requirements regarding lot size. Mr. Trzcianka noted that the county tax map does not include right of ways and the measurements are based upon the what the measurements of the property deed. It was also noted that property owners are responsible for their sidewalk area.

A man spoke up from the audience stated that Mr. Trzcianka was wrong. Mr. Trzcianka stated that the building inspector is responsible for reviewing the plans. It was also noted that when certified (notarized and sealed by a professional engineer) plans are presented to the building inspector they are viewed as accurate documents. The man in the audience spoke out again stating the everything said is completely wrong. Mrs. Tomb stated that someone requested a copy of the building permit and it was not produced. She said and members of the audience spoke up that there is no permit posted anywhere on the property. Discussion took place regarding the turnover in building inspectors. Mrs. Tomb also addressed the lot size of the property on Jefferson that Mr. Eichhorn is building on. Mr. Trzcianka asked Mrs. Tomb what do you want council to do. She stated to not allow Mr. Eichhorn to build anymore of these in their neighborhood because they are a one-story neighborhood. She doesn't want duplexes and apartments. They have a lot of small properties and she doesn't want any more of these built up in their neighborhood so they could lookout into our backyards. *(Due to multiple people speaking out from the audience, Mr. Trzcianka stated only one person may speak at a time and they must come up to the podium to speak, one at a time.)*

Mrs. Tomb stated that Mr. Eichhorn has threatened to sue four neighbors over our dislike of his building. She continued to stated that no one knew the property of for sale. Mr. Trzcianka commented that it was advertised legally in the newspaper. She stated that when she moved there 14 years ago she was told that property could not be built upon because it was too small and the basketball court was used by children daily. Now there is a giant monstrosity of a building surrounded by tiny houses. Discussion took place regarding how many stories was permitted and what was considered a story/living space vs attic. She stated that the property was being advertised as 4,000 square feet which she stated

included the upper floor. She also noted that the Jefferson Street building is just as large and on a smaller lot. No variance was applied for either property. Mr. Trzcianka stated that it was approved by the building inspector as presented to him. Mrs. Tomb stated that the building inspector was wrong. Mr. Trzcianka stated that the building inspector is responsible for the permitting. He has the state certifications as the borough inspector. Discussion took place regarding the number of building inspectors that have been involved in this process. Mrs. Tomb stated that Mr. Eichhorn stated that the borough dropped the ball. Mr. Trzcianka stated that we pay a company to do the inspections per the state guidelines of the Uniform Construction Code. Attorney Amato stated that we pay that company to review the drawings and surveys and they determined if they are approved or not approved. Mr. Amato stated that the borough does not do an overlap and do the inspector's job. The contractor presents the plans and surveys to the inspector who reviews and approves or disapproves the documents. A man from the audience asked about the measurements on the documents. Attorney Amato stated that the borough does go and an overlap of the inspector's job. The inspector reviews/approves the plans with the permit and the borough is informed of the approval. *Mr. Trzcianka again stated that if anyone wants to speak to please go to the podium.*

Kevin Tomb for Hillcrest Avenue asked for a copy of the building permit that he could see. Mr. Trzcianka asked Mrs. Rakovan if she had that information. She stated not currently and that she would have to see if it is public information under the Right To Know. Mr. Tomb stated that someone has already formally asked for the permit information. Mrs. Rakovan stated no one requested it on a right to know form. Mr. Tomb and his wife both stated that yes it was, several months ago. Mr. Tomb commented stated that he doesn't know who was stalling around, but the information was never received. Mr. Tomb again asked Mrs. Rakovan if she had the permit on her. She stated no and then went on to explain that the building inspector works for a third party (Building Inspector Underwriters) because under state law the borough has to have a certified building inspector. The building inspector is responsible for everything. They receive, review and act upon all the building and zoning permits. We cannot tell them how to interpret the code as they are the ones who are state certified. They do all the paperwork. They do all the calculations for the costs and fees. They do all the inspections. The company has gone through many building inspectors because they can't find workers just like many other businesses. Mr. Tomb stated that a previous inspector stated that there were no records of any documentations on this property. Mrs. Rakovan stated that Mr. Eichhorn personally gave the drawings and paperwork for his permit. The documents were given to the building inspector, a permit was issued and Mr. Eichhorn picked up and paid for the permit. Mrs. Rakovan stated that the permitting process has been gone through. Mr. Tomb commented that the process did not work. Mr. Tomb asked if a variance was issued. Mrs. Rakovan stated that the building inspector determines if a variance is needed. He asked Mrs. Rakovan if she new the size the of the property. Mrs. Rakovan stated again that she is not the one to question the lot size. Mr. Trzcianka stated that we are done (with this discussion). Mrs. Tomb spoke out regarding the property on Jefferson. Mr. Trzcianka stated that we are done (with this discussion).

A woman from the audience yelled out who got paid off. Mr. Trzcianka stated that no one got paid off. The woman commented that he (contractor) said he would sue her and even tried to run her over. She wanted to know who he paid off. Mr. Trzcianka stated that the contractor paid BIU.

Discussion took place regarding carrying about the borough, what the building look likes and building the tax revenue for the borough.

A woman from Harmony township starting asking about having another company doing the inspections. Mr. Trzcianka stated that she is not Baden Borough

resident and she does not pay taxes to Baden. She stated that she has a Baden address and has every right to speak.

Michael Loftus from State Street stated to audience that if they felt they could do a better job then they should run for a council position and prove it. He continued to say that there is a process for everything.

Women from the audience stated that the papers (permit) have been asked for many times and they never got a response. Mr. Bosh asked if a formal Right To Know form was submitted to the borough office. Mr. Bosh and Mr. Trzcianka asked for them to produce a copy of the request. Mrs. Rakovan explained that when a request is received by the borough. It is signed, stamped and a copy is given to the requester. She stated that she did not remember receiving a request. Mrs. Tomb stated that she (Kylie) submitted the request but she (Kylie) stated that she got frustrated with the situation and didn't want to deal with it anymore. Mrs. Rakovan stated that if she produces a copy of the request she would be the first to apologize. She also stated that if she could not produce the documents she would have mailed a letter within five working days stating the documents are not available.

Mrs. Tomb stated that she realizes that nothing could be done at this time about building but she wants to make sure that there are no more buildings being built like this in our neighborhoods that are under the square footage. She continued to say that this building is right on a four-way intersection by a bus stop.

## **MINUTES**

**MOTION** by Mr. Stuban, second by Mr. Jones, carried unanimously to approve the minutes of February 9<sup>th</sup> & 16<sup>th</sup> 2022

## **BILLS TO BE PAID**

**MOTION** by Mr. Stuban, second by Mr. Jones, carried unanimously to pay all bills with two signatures.

## **BIDS – None**

**RESOLUTIONS** Attached to the agenda for public review

- **22-02** Disposal of records as set forth by the Pennsylvania Municipal Records Manual

**MOTION** by Mr. Stuban, second by Mr. Miller, carried unanimously to adopt Resolution 22-02

- **22-03** Wishing to participate in the “Community Financial Health Assessment” through the Local Government Academy

**MOTION** by Mr. Stuban, second by Mr. Miller, carried unanimously to adopt Resolution 22-03

## **ORDINANCE – None**

## **CORRESPONDENCE – None**

## COMMITTEE REPORTS

### Finance (John Shelkons)

- General Fund Account Balance \$230,470 Expenses \$119,467
- Water Fund Account Balance \$336,814 Expenses \$148,531

### Public Works, Sanitation & Municipal Authority (John Jones)

#### **Bobcat/Quad purchase**

Mr. Jones tabled this discussion for next month.

### Technology, Social Media, Library & Community Relations (Joe Bosh)

#### **Social Media Groups**

Mr. Bosh stated that the Baden Borough Community Network Facebook group did post that they are a community driven discussion group and that any official, announcements or communications involving the borough may be found on the borough Facebook page.

### Administration & Legislation (Doug Miller)

#### **Borough Manager Ordinance**

**Motion by** Mr. Miller, second by Mr. Bosh, carried unanimously to authorize the solicitor write an ordinance for the borough manager position.

### General Government, Building Property/Grounds, Parks & Rec (Dawn Singleton)

#### **Blinds for Borough Building**

**Motion by** Mr. Miller, second by Mr. Bosh, carried unanimously replace the blinds in the borough building at a cost of \$5771.10 from Budget Blinds in Cranberry.

#### **Decommission of Fire Whistle**

**Motion by** Mr. Miller, second by Mr. Bosh, carried unanimously to decommission the fire whistle and take it off of the borough insurance.

### Public Safety (Michael Stuban)

#### **Part Time Police Officer**

**MOTION** by Mr. Stuban, second by Mr. Jones, carried unanimously to hire Matthew Piccinini as a part time police officer.

**MOTION** by Mr. Stuban, second by Mr. Miller, carried unanimously to hire Dave Alvarez as a part time police officer after his full retirement date.

#### **CEO**

Mr. Stuban commented that all of the candidates that were considered for the CEO position were well qualified. He then made a motion to hire Tina Jones as code enforcement officer. There was no second.

**MOTION** by Mr. Shelkons, second by Mr. Bosh, carried unanimously to hire JR (Dennis) Baker as code enforcement officer.

Mr. Stuban commented that he would like the old CEO to close out any open item/citations that he was handling. He also stated that council will need to set the CEO's hours and wages for next month's meeting.

### **Used Police Car**

Mr. Trzcianka stated that he and Mr. Miller looked at used police cars on Municibid. Rochester Township has a vehicle listed on Municibid. They are watching the bid prices that will be going off tomorrow. The borough would bid up to \$5,000.

### **Police Vehicle Repair**

Mr. Trzcianka stated that the mechanic for Rochester Township was able to fix an Expedition with the problems as ours for \$2,500. The quote the borough had a few months ago was around \$13,000. He wanted one of the officers take it down to Rochester, see if it is worth fixing and get a price to repair our police vehicle.

### **Volunteer Appreciate Dinner**

Mr. Stuban commended the office staff, police department, volunteer fire department and emergency management for the great job in handling the water break situation. Everyone involved should be given a round of applause.

Mr. Stuban continued to speak about all the volunteers in our community (Boards, Committees....) who give their time and look out for our town. He asked council about bringing back the appreciation dinner.

**MOTION** by Mr. Stuban, second by Mr. Shelkons, carried unanimously to put aside \$3,000 for a volunteer appreciation dinner.

### **SOLICITOR'S REPORT**

Nothing to Report

### **ENGINEER'S REPORT**

1. USDA - Water System Improvements WEI has not received feedback on the preliminary plans from USDA's engineer yet but will address all comments received in the development of the final plans and specifications for the project.
2. State Street Waterline Replacement (North to Virginia) WEI will prepare plans and specifications for the project so that we can bid concurrently with the USDA project. Estimated project cost is \$125,000.
3. Fire Department Roof Shop drawings have been reviewed and approved and the contractor is ordering materials.
4. Borough Building and Fire Department Property Boundary Based on information gathered, the plan reflecting the property boundary will require a revision requiring the involvement of the borough solicitor.
5. CDBG FY 2022 Grant Application The grant application package has been completed and is ready for signature. It is due at the end of March.
6. LSA Grant Application The grant application package has been completed and submitted to DCED on behalf of the Borough.
7. Zoning Map Update A draft zoning map has been prepared for review by the Borough.

8. Storm Inlet Replacements - ARPA Grant A field meeting is needed to review the project with the Street Department.
9. Ordinance Update for Stormwater Management and Subdivision and Land Development The Borough's stormwater ordinance is out of date and the Borough does not have a SALDO. This makes things more difficult when reviewing proposed development and there are not clear standards to follow. WEI is using model ordinances to create new ordinances for the Borough to adopt to rectify these issues.
10. North, Franklin, Collins and 4th Paving and 4th Ave Water Opinion of probable cost for these projects have been provided for review.

### **Library Cement**

Mr. Shelkons and Mr. Josapak asked that the cement at the library be looked at more closely. There is a lot of pitting and chipping and the steps have dips that are retaining water when it rains. Mr. Sadaka stated that he will definitely look into it.

### **MAYOR'S REPORT**

### **PRESIDENTS REPORT**

Nothing to report

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

Mrs. Kotys stated that she understood what the residents stated earlier in the meeting and she hoped that council resolves the situation.

Mr. Shelkons addressed the situation regarding building height and maybe the need to change the ordinance. Mr. Trzcianka asked about plans being looked at by the borough before turning them over to BIU. Attorney Amato stated that in the end the BIU reviews and approves based upon what the borough code says. The only long-term relief is to amend the ordinance. Mr. Stuban stated that the entire ordinance book needs to be reviewed and amended. With the property on Ehman the building inspector said it is right and legal. Council has no authority to tell the inspector otherwise. There is nothing council can do on this issue but there are things we can do by amending the ordinances. Discussion followed which included land development being reviewed by the engineer prior to going to the building/drawing plans to the building inspector. Mr. Sadaka stated that they do this for other communities.

Attorney Amato stated that there is fine line between restrictions of measurements, setbacks and height, and discouraging development in your borough because it has gone too far. Mrs. Kotys stated that we don't want to stop growth.

Mr. Stuban addressed council in regards to a copy of a letter they got from Vista Capital Management (Crown Car Wash) asking for a discount on their next water bill for loss of revenue during the water break because they had to shut down for day. The borough manager was instructed to send a letter stated that there will be no compensation or adjustment on their water bill.

Mr. Bosh gave an update on the police regionalization meeting that he and Mr. Stuban attended. The study is costing nothing and involves Harmony Township, Conway Borough and Freedom Borough. The police department is in support of the meetings. Recently the budgetary information from each municipality has been received and for the next meeting there should be a more hypothetical model of the cost and staffing for a regional police department. He asked council and the residents if they have any questions regarding these meetings.

## **ADJOURNMENT**

**MOTION** by Mr. Stuban, second by Mr. Jones, carried unanimously to adjourn the meeting at 7:10 PM.

Respectfully submitted for approval,

Elaine K. Rakovan  
Borough Secretary  
April 13, 2022