

**COUNCIL MEETING
MINUTES OF MAY 24, 2006**

President Stewart called to order the Regular Meeting of Crafton Borough Council, in Council Chambers of the Community Center; Flag Salute was led by Mrs. Koerbel. Roll call, by Mrs. Tremblay, recorded eight (8) members of Council present, as follows: Mr. Christman, Mr. Cindric, Mr. Donovan, Mr. Impavido, Ms. Koerbel, Mr. Ogden, Mrs. Sappie, and Mr. Stewart. Also present were Mayor O'Connell, Manager Sample, Solicitor Ayoob, and Engineer Wagner, and Jr. Councilpersons Ms. Luxbacher and Ms. McNamara. (*Absent: Mr. Byers*)

APPROVAL OF BILL LIST

MOTION: It was regularly moved by Mr. Cindric, seconded by Mrs. Sappie, to approve the May 24, 2006 List of Bills.

MOTION carried by Unanimous Voice Vote (8-0).

APPROVAL OF MINUTES

MOTION: It was regularly moved by Mr. Ogden, seconded by Mrs. Sappie, to approve the May 10, 2006 meeting minutes.

MOTION carried by Unanimous Voice Vote (8-0).

CITIZEN'S PRESENT TO ADDRESS COUNCIL

None

RECEIPT OF WRITTEN REPORTS

The following written reports were provided in Council's Packet: The Treasurer's Report, Financial Report, Act 511 and Trash Collection Fee Reports, Property Tax Collector's Report, Police Report, Ordinance Officers Report, REMs Report and the Engineer's Report.

MAYOR'S REPORT

Mayor O'Connell thanked Mr. Stewart, Mr. Byers, Public Works and Crafton Police for making the Street naming dedication to Bill Cowher such a nice event. Mayor O'Connell reported that she has established a Mayor's Award to recognize non-profit volunteers; applications for nominations will be available on the Crafton website or in the Borough offices, with a formal ceremony on September 6th. She also reported that the department responded to 197 complaints for the month of April, and referred Council to the written report. She noted some changes in the police department to include more foot patrol as an effort to not only provide more police presence in the community but to also conserve gasoline; approximately 18% reduction in recorded mileage for the month of April. Crime Watch reported an incident, on May 22nd, of cars keyed on Clearview Avenue. Officer Tim Harvison held a DARE graduation ceremony for Crafton Elementary 6th graders.

PRESIDENT'S REPORT

President Stewart reported that Council currently conducts meetings in accordance with Robert's Rules, and he will be looking into adopting some rules in addition to Robert's Rules, to assist Council in conducting its meetings. Mr. Stewart asked that parents set a good example and discourage underage drinking during this season of graduation parties. E-mail is not the proper form of governance; and he discourages Council e-mail as a means of communication since it is not available to the public. He reported that a lengthy Executive Session was held prior to the meeting to discuss matters of litigation and personnel. He noted that more volunteers are needed for the spring planting, rather than using our public works personnel; perhaps headed up by the Recreation Board. He acknowledged the efforts of public works in installing the Cowher street sign in the rain. He thanked Tom Marshall and Marstrand for providing the flatbed truck and their driver, Dan Kucaruda. Also,

thanked Tim Stewart for the sound system and Ellis Cannon for m-c-ing the event. And thanked the Cowher family and the residents who attended; acknowledging Mr. Cowhers' sincere appreciation of this ceremony. Lastly, Mr. Stewart acknowledged Chief Rost's 20th year as Crafton's Chief of Police, as of May 20th. He reported on the many accomplishments and programs established over the past 20 years under the supervision of Chief Rost.

ENGINEER'S REPORT

Engineer Wagner reported that bids will be opened at CharWest COG next week for the demolition project of 37 White Avenue. The Solicitor has been reviewing the bids for the paving program. Solicitor Ayoob reported, it is not in black and white; that if a reduction in the scope is not creating a new project or contract, Council has the ability to reduce or amend the scope. Take the initial low bid, and apply some type of unit pricing for the McMunn work, establishing this pricing to a reasonable degree of certainty and accuracy, and recalculate the price for all bidders. On that basis, select the low bidder for consideration

SOLICITOR' REPORT

Solicitor Ayoob reported that he had discussed some litigation/personnel matters with Council in Executive Session. He also reported that a subdivision request of Mr. Brenlove has come before the Planning Commission, and he would like Council's approval to investigate the public record for the vacation or acceptance of a road on Mr. Brenlove's property.

SECRETARY'S/MANAGER'S REPORT

Manager Sample reported that work has begun on Black's Bridge, curb torn out on one side and awaiting the recommendation from Engineer on the proper guiderail. The railing on Clearview Extension has been turned into insurance for consideration. A few issues on the Route 60 paving is being addressed with the contractor. The Sharp Edge restaurant is conducting a fundraiser on each Wednesday during June and will contribute \$1 per customer to the fireworks.

OLD BUSINESS

Cable Franchise - Information provided to Council. Manager Sample reported that the PSAB provided this information to the Borough; their interpretation that this legislation will eliminate the franchising authorities, eliminate franchise fee revenue to the borough, restrict municipal authority over the public right-of-ways, and undermine benefits the borough currently receives under the franchise agreement. Verizon had provided their rebuttal opinion. Mr. Stewart believes that the Solicitor should review this matter. Solicitor Ayoob stated that this resolution would only state the borough's position on this legislation and does not obligate the borough to anything. Any further review by him would not provide Council with anything legislative to consider.

Paving Bids – Engineer Wagner reported that the Borough has 90 days to award the paving contract. He will re-calculate the bids, reducing the scope, as suggested by the Solicitor, and bring this matter back to Council at the next meeting.

Sale of Borough Personal Property – Manager Sample stated that this procedure is established in the Borough Code, to authorize the Borough Manager to sell and dispose of borough property, at an established fair market value.

Zoning Designation of Lot/Block #69-H-210 - Ms. Koerbel advised that this matter was considered at the Planning Commission meeting, and did not feel there was any reason to change this zoning at this time. She asked to clarify the procedure to request a public hearing. Solicitor Ayoob reported that the Zoning Ordinance, Section #225-2004 states that amendments can be initiated by the Planning Commission, Borough Council, or a petition of a land owner it is first reviewed by the Planning Commission and they would then provide their recommendations, or if one member of Borough Council requests a public hearing, the Borough would proceed to schedule a public hearing. Mr. Cindric inquired on the discussion at the Planning Commission Meeting, as to the size of this property in the "Overlay District". Mr. Ayoob read the description of the "Steuben Street Overlay District"; all of the overlay district is adjacent to the C-1 shopping center district and fronting Steuben Street, with

the exception of this particular property which is on Foster Avenue and across the street from the C-1 district. He reported that the consensus of the Planning Commission members was they had a reluctance to change something so recently adopted; that the overlay was new and not really applied or tested yet. Ms. Koerbel reported that there have not been any resident complaints on this zoning. Mr. Cindric stated that this property is not 1 acre and does not comply with the zoning requirement; that all other properties in the overlay are at least 1 acre. He stated that his request is for a correction and not a change. Mr. Stewart reported that many years ago, the Thomas Street residents were in quite a furor over the possibility of the building of a Burger King on that property, with parking concerns, etc. Mr. Ogden felt that the overlay district, in that area, would lend more to a professional type of building, not a franchise restaurant or hangout. Ms. Koerbel read the approved motion from June of 2003 concerning this development. Mr. Cindric stated that this property is only 8,182 sq. feet, and should be 43,560 sq. feet to represent an acre.

CDBG, Year 33, Projects - Manager Sample reported that three projects are being considered; paving of a section of South Grandview and Middle Street, and the ADA renovations to the breezeway.

Summer Laborer help - Mr. Stewart reported a shortage of applications and stated that the borough has, in the past, hired outside of the borough, and may need to do so this year. He asked for individuals to make application to the Borough.

County Municipal Tour - Manager Sample provided several issues and projects for the County to review while on tour - June 7th; he is suggesting Blacks Bridge repair, Flooding of Chartiers Creek, and the Chartiers Creek Trail for consideration. Manager Sample asked Council to provide any other project suggestions.

Part-time Office Help - Mr. Stewart reported that due to the staffing shortage in the office, there is a motion on the Agenda to have an individual return on a part-time basis.

BUSINESS AGENDA

FINANCE:

~~**MOTION:** I move to adopt Resolution No. 2006-10 intending to amend Wage Resolution No. 2005-21, establishing a Zoning Officer position and setting an annual wage of _____ for the year 2006; to be prorated accordingly. Following discussion on this Motion, **MOTION WAS WITHDRAWN (Ms. Sappie/Mr. Cindric) - See Motion below under Zoning Ordinance Enforcement.**~~

MOTION: It was regularly moved by Ms. Sappie, seconded by Mr. Donovan to approve the following projects for Year 33 CDBG grant pre-applications: 1) Middle Street Sewer and Street Reconstruction project, 2) South Grandview Avenue Sewer and Street Reconstruction project and 3) Community Center/Municipal Building ADA Accessibility Improvements.

MOTION carried by Unanimous Voice Vote (8-0).

ZONING ORDINANCE ENFORCEMENT

MOTION: It was regularly moved by Mrs. Sappie, seconded by Mr. Cindric, to appoint BIU as the Borough's Zoning Officer to be compensated at a rate of \$35.00 per zoning application inspection, and at a rate of \$45.00 for the 1st hour and billed at 15 minute increments thereafter for appearance at zoning hearings. **COMMENTS:** Mr. Christman asked about continuing to look for an actual person for this position, as suggested by Ms. Koerbel. Mr. Stewart stated that would be considered, and to see how this arrangement works out. Manager Sample clarified that the borough would collect \$35.00 for inspections and pay out 80% and the borough would pay BIU the entire amount for zoning hearings, other services.

MOTION carried by a Six (6) Yes, Two (2) No (*Donovan, Koerbel*) Roll Call Vote.

PUBLIC WORKS

~~**MOTION:**~~ I move to award the 2006 Road Resurfacing Base Contract to A. Folino Construction, Inc. for the amount of \$ _____, per the Engineer's recommendation. ***MOTION WAS TABLED PENDING ENGINEERS RECALCULATION OF BIDS/REDUCED SCOPE OF WORK.***

ADMINISTRATIVE

MOTION: It was regularly moved by Mr. Cindric, seconded by Mr. Impavido, to adopt Resolution 2006-12 authorizing the establishment of a procedure governing the sale of personal property valued at less than one thousand dollars (\$1,000).

MOTION carried Unanimous Voice Vote (8-0).

MOTION: It was regularly moved by Mr. Cindric, seconded by Mr. Christman, to adopt Resolution 2006-13 opposing the proposed federal and state legislative changes that would eliminate local cable franchise agreements. **COMMENT:** Mr. Ogden asked for clarification that this resolution has nothing to do with our control over what company is providing the service. Solicitor Ayoob stated that it would remain status quo; that this resolution is asking your legislator to keep this status quo; no changes.

MOTION carried by at Seven (7) Yes, One (1) No (Stewart) Roll Call Vote.

MOTION: It was regularly moved by Mr. Cindric, seconded by Mr. Impavido, to approve the agreement between Crafton Borough Council and Chief Harold Rost settling all litigation and agreeing to the terms contained in the agreement. **COMMENTS:** Ms. Koerbel stated that she bears no ill-will against Chief Rost, does not know him personally nor has had any conversations with him; and is not sure what bearing that has on her disagreement with the Agreement being considered. She is distantly related to Ivan Hull's wife; a second cousin, once removed, or something like that. This was brought up to her in Executive Session. She requested that this be made very clear and noted on the record, that she has no connection with him and this has no bearing on her decision on voting on this matter. She asked what kind of a precedent are you setting, what kind of message is being sent to the residents and other employees, and other police officers. Council does not have to make this decision; that this is settling a lawsuit that was essentially already won, favorably, by the Borough. Solicitor Ayoob stated that it must be clearly stated what is being provided under this agreement; i.e., Settlement of all litigation pending between the Chief of Police and the Borough of Crafton, it establishes a 2006 annual salary of \$73,500., it provides to the Chief the same benefits and same percentage increase in salary, annually, as the highest ranking officer in the collective bargaining unit, and one extra week of vacation and results in the determination, by mutual agreement, that the Chief is not protected by any of the benefits conveyed under the Chief's Act, which is the subject of pending litigation. Mr. Stewart stated that he believes Chief Rost is deserving; working 34 years with the police department and as Chief for 20 years, that it is appropriate to reward him a salary commensurate with that time and experience. Mayor O'Connell commented that the message being conveyed by Council is that the employees will be treated fairly, and that this is a fair-minded Council; and she agreed that he works very hard for this municipality. Mr. Impavido added that this is not a matter of fiscal responsibility, that it is a matter of right and wrong. What kind of message is being sent to the employees, after you give 34 years of your life, and right before your retirement, start cutting corners. Ms. Koerbel added that the message here is to sue the borough and lose, and you will be rewarded. Mr. Ogden stated that his only concern is that Chief Rost is considered management, and he will be receiving all benefits that are enjoyed by the bargaining unit, which is the rest of the police force. You have management and union; they are two separate entities, and he has a difficult time fully accepting the agreement providing the same benefits. He has not problem with the salary increase to \$73,500, but does have a problem with the Agreement. Also, it was his understanding that this would be effective June 1st, and

not retroactive to January 1st. Mr. Stewart stated that as a past practice, the police chief always received the same raises as the officers, bonus days, etc.

MOTION carried by a Five (5) Yes, Three (3) No (*Donovan, Koerbel, Sappie*) Roll Call Vote.

MOTION: It was regularly moved by Mr. Cindric, seconded by Mr. Impavido, to adopt Resolution No. 2006-14, intending to amend Resolution No. 2005-21; Section II C (1) setting the yearly salary of the Chief of Police at \$73,500, upon execution of the Agreement.

MOTION carried by a Seven (7) Yes, One (1) No (*Koerbel*) Roll Call Vote.

MOTION: It was regularly moved by Mr. Cindric, seconded by Mr. Christman, to rehire Nancy Thomas for part-time clerical work on an as needed basis at a rate of \$10/hour. **COMMENTS:** Mr. Cindric commented on the medical leave of Mrs. Keeley, and the need to bring in part-time help in the office. He mentioned, and thanked Mrs. Keeley, for labeling the newsletters while at home.

MOTION carried by Unanimous Roll Call Vote. (8-0)

NEW BUSINESS

Mr. Stewart reported that he is talking with PennDot, and will be talking with the Allegheny Land Trust, and attempting to set up a meeting during the month of June regarding the trail; he will advise Council of the date and encourage attendance by Council, and make a final determination of the trail.

COUNCIL COMMENTS/REPORTS

Ms. McNamara reported that there was a nice turn out at Carlynton's Spring Concert.

Mr. Donovan inquired on the status of the new Council chamber furniture. Mayor O'Connell stated that it was being donated by All State Insurance and will be received soon.

Mr. Ogden acknowledged the hard work done by Shade Tree Commissioner, Robin Anthony, and that there was a recent breakdown of communication; that she goes above and beyond the call of duty.

Mrs. Sappie commented on the Cowher dedication, and that it made her son very happy that his birthday was also declared Bill Cowher Day. The senior dinner is this Saturday, and the entertainment is being provided by DanceTime Studio. She thanked Public Works employee, Rege Patton, for all of his hard work in getting the swimming pool ready. She, and her son, met with Pool managers Julie and Jason, and helped them clean the bath house and concession stand; and she attended a staff meeting and listened to the orientation, and met the Robinson EMS.

Mr. Impavido re-iterated that he felt Council made the right decision with regard to Chief Rost and further, feels that this is sending the right message; that they take care of their employees and that they appreciate hard work and community service.

Mr. Cindric reported his attendance at the CharWest COG meeting. They are attempting to get a multi-municipal garbage contract, similar to a joint purchasing agreement. It would be a cost savings but would require a lot of contract coordination with COG and the COG communities. Mr. Stewart stated that the Budget and Finance Committee, Mrs. Sappie and Mr. Christman, and Manager Sample should look into this. He reiterated on the status of the federally funded line item for a recreation grant; that it is still being considered.

ADJOURNMENT

MOTION: It was regularly moved by Mr. Donovan, seconded by Mr. Christman, that this meeting be adjourned.

MOTION carried by a Unanimous Voice Vote.

Respectfully submitted,

Mary Tremblay, Borough Secretary