

**COUNCIL MEETING  
MINUTES OF NOVEMBER 22, 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 Ms. Koerbel. Roll call, by Mrs. Tremblay, recorded eight (8) members of Council present as follows: Mr. Byers, Mr. Christman, Mr. Cindric, Ms. Koerbel, Mr. Ogden, Mrs. Sappie, Mrs. Viola and Mr. Stewart; with Mr. Donovan (1) arriving later, at 8:20 pm. Also present were Mayor O'Connell, Manager Sample, Solicitor Austin, and Engineer Ministerman.

**APPROVAL OF BILL LIST**

**MOTION:** It was regularly moved by Ms. Koerbel, seconded by Mrs. Sappie, to approve the November 22, 2006 List of Bills.

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

**APPROVAL OF MINUTES**

**MOTION:** It was regularly moved by Ms. Koerbel, seconded by Mr. Ogden, to approve the October 25, 2006 meeting minutes.

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

**CITIZEN'S PRESENT TO ADDRESS COUNCIL**

Derek Rykaczowski, V.P., CNC – Mr. Rykaczowski stated that both Allegheny County and the Carlynton School District have exonerated the back taxes on these two parcels. He also advised Council of the various projects and clean-up endeavors of the CNC. He stated that the CNC owns property, in the City of Pittsburgh, adjacent to Black's Bridge which they may be able to offer for a contractor staging area once the bridge reconstruction commences (photographs provided). Ms. Koerbel asked the Solicitor what is the usual procedure. Solicitor Austin advised that it can be approached through an eminent domain procedure, but it is better to obtain an easement agreement with the property owner. Mr. Stewart remarked that the Borough appreciates this offer; he also stated that Council was provided a copy of a letter from Dr. Elaine Brown stating that their "action was conditional on the CNC paying the necessary legal, filing, and any other fees that may be required to effectuate the forgiveness", which can also be included in the Borough's motion. Solicitor Austin inquired if he were referring to the legal fees incurred back to 1916, and Mr. Stewart said, no, only the fees necessary for this issue, not anything prior. In answer to Ms. Koerbel, Mr. Volk (CNC) confirmed that the projects they referred to are not in Crafton; very little cleanup in Crafton. Mr. Stewart indicated that Council would like to talk with the CNC regarding the borough's trail project.

Mark Schuster – Mr. Schuster reminded Council of the recent deaths of two former Crafton residents, in Iraq, and asked for approval to add their names, Jason West and Daniel Chess, to the war memorial. Mr. Stewart stated that a motion would be added to the Agenda for this approval.

George Werba and Pam Csterline, 1931 Crafton Blvd. – Mr. Werba of Capretti & Co., asked for better detour signage; that the closing of Black's Bridge is seriously effecting the businesses on Crafton Blvd. and their livelihood; and also asked if a reduction in taxes could be considered. Mr. Stewart stated that this may not be legal, but would look into it. Manager Sample stated that he would work with the businesses for better detour signs. Ms. Koerbel suggested publishing a map to assist new customers in finding their shops.

**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, Fire Department's Report, REMs Report, Animal Control and the Engineer's Report. COMMENTS: Mr. Cindric inquired on the status of #357.01 – 1% Rad tax; Mrs. Tremblay confirmed that the Borough receives approximately \$11,000-\$12,000 month, and it had been overstated on the 2006 budget, but reduced on the proposed 2007 budget. Mrs. Tremblay confirmed that #400.161 was overstated for 2006; that this would be the amount for all departments as previously budgeted, but in 2006 it was separated and applied to each department, however, #400.161 should only be approx. \$8,300. not in excess of \$95,000., as budgeted. Mr. Cindric inquired on #430.15, if we anticipated anymore Public Works overtime; Mr. Sample stated that this budget amount is cushioned, but has not needed to call out Public Works for much overtime. He inquired of #430.42, Seminar and training; particularly handling hazardous materials, etc. Mr. Sample advised that Allegheny County does provide free training on various subjects, and #450.20 under pool, would be for CPO (Certified Pool Operator) training. Mr. Cindric also commented on the Fire Dept. reports, indicating that they should be commended for the additional training provided this year.

MOTION to accept the reports carried by Unanimous Voice Vote (9-0).

### **MAYOR'S REPORT**

Mayor O'Connell reported that the department responded to 209 complaints for the month of October, and referred Council to the written report. She attended the Howitzer dedication (Eagle Scout Project), on Nov. 12<sup>th</sup>, at the American Legion. She commented, per our Emergency Management Coordinator, Capt. Sumpter, the Borough will need to pass a Resolution to adopt the Allegheny County Hazard Vulnerability Assessment and Mitigation Plan at the December 13<sup>th</sup> Council meeting. Also, will have to provide certification that all of the borough officials have been NIMS certified.

### **PRESIDENT'S REPORT**

President Stewart stated that when scheduling meetings next year, Council will not meet on the Wednesday before Thanksgiving. He also reminded everyone that there will only be one meeting in December, on the 13<sup>th</sup>, and refreshments would be available following the meeting.

### **ENGINEER'S REPORT**

Engineer Ministerman advised that the 2006 Road Paving program has been satisfactorily completed, and they recommend making final payment to the contractor. He also advised of attendance of the mandatory PennVest meeting regarding the sewer defect corrections. Mr. Christman inquired on the paving of Noble near the school. Manager Sample stated that the area was pulled off the program and it will be added back in when the bridge is done. Mrs. Sappie asked if the paving of that area will be included in the bridge quote. Mr. Ministerman advised that it would be separate.

### **SOLICITOR'S REPORT**

Solicitor Austin stated that they had looked at the Crafton Celebrates application, and are prepared to comment on it. Mr. Stewart asked that be addressed in January.

### **MANAGER'S REPORT**

See Discussion Items.

### **DISCUSSION ITEMS/OLD BUSINESS:**

1. 2007 - Change in Meeting Agenda. First meeting will not require the Solicitor's attendance, and only approval of the Bill List and Meeting Minutes will be the only Council action; this will save legal expense.
2. 2007 General Fund Budget – Changes were made, and a motion appears on the Agenda to adopt the Proposed 2007 Budget.
3. 2007 Sewer Fund Budget – Recommending an increase in the sewer surcharge, from \$4 to \$5, in order to meet expenses in correcting the sewer defects and repayment of the loan to Pennvest. Mrs. Viola questioned the length of time the surcharge will be needed and the repayment of the loans for the sewer defect repairs; Mr. Sample stated that the repairs are

being done over a 6-year period at approx. \$1,000,000. per year; and at the end of this 6-year period, the Borough will be faced with 20 years of debt service. Mr. Cindric added that there has been little or no preventive maintenance for the past 50 years. He stated that the borough is subject to fines of up to \$35,000. per day if they fail to comply with the Consent Order. Separating storm sewer from sanitary sewer was discussed; impractical for separation in this large of an area, cost prohibitive. Alcosan agreed to accept responsibility for the flow monitoring, and should begin in October, in accordance with the Consent Order.

4. Mr. Stewart advised that the Fee Resolution and Wage Resolution will be provided to Council at the next meeting for adoption.
5. Bond Issue – Bond Counsel - Manager Sample stated that all of the Bond institutions will also provide Bond Counsel. Mr. Stewart asked if the bond amount could be increased, pending various work proposals and costs. Manager Sample said the amount could be changed up until the time the letter of intent is signed.

(2. above) 2007 Proposed Budget – Mr. Ogden inquired on #410.26. Mayor O’Connell indicated that this amount is being budgeted to get various equipment back on a regular replacement schedule; replacing car cameras, portable radios and batteries for the portable radios. Manager Sample indicated that a grant has been approved for a car camera and replacement of the audio recorder.

6. Mr. Cindric discussed the Allegheny County Comprehensive Plan guide and Trend Scenario Maps for the year 2025 (copy of information provided to Council).

## **BUSINESS AGENDA**

### **ADMINISTRATIVE**

**MOTION:** It was regularly moved by Mr. Byers, seconded by Mr. Christman, to adopt Resolution No. 2006-23 appointing the C.P.A. firm of Case Sabatini to perform the Borough’s annual Financial Audit. **COMMENTS:** Mrs. Koerbel asked for confirmation if these services would include GASB-34 compliance. Mr. Stewart stated that it is his understanding that this firm will not be doing this directly but will be looking at advising the Borough how to go about it.

MOTION carried by a Five Yes, Four No (*Donovan, Koerbel, Ogden, Sappie*) Roll Call Vote (5-4).

**MOTION:** It was regularly moved by Mr. Byers, seconded by Mr. Christman, to authorize the addition of the names of two U.S. military members who gave the final measure of full devotion in the service of our country, to the Crafton Borough war memorial, being U.S. Army Captain Jason West formerly of Afton Avenue, and U.S. Marine PFC Daniel Chess of Belvidere Street.

MOTION carried by Unanimous Voice Vote (9-0).

**MOTION:** It was regularly moved by Mr. Byers, seconded by Ms. Koerbel, to authorize Gateway Engineers to conduct the design of the Black’s Bridge replacement; “Cast-In-Place” Concrete, in accordance with the scope of work and budget estimate dated November 1, 2006.

MOTION carried by Unanimous Roll Call Vote (9-0).

**MOTION:** It was regularly moved by Mr. Byers, seconded by Mr. Christman, to exonerate all back taxes, penalties, interest and costs for parcels 105-H-198, in the amount of \$5,780.68, and 105-M-185, in the amount of \$1,411.89, as requested by the property owner being the Chartiers Nature Conservancy (CNC) and making it contingent that this action be conditional on the CNC paying the necessary legal, filing, and any other fees that may be required to effectuate the forgiveness and also upon the condition of receiving an easement for the property in the City of Pittsburgh abutting Blacks Bridge to be used as a staging area for the completion of the repairs to be done to Blacks Bridge.

**COMMENTS:** Ms. Koerbel asked for the Solicitors opinion. Solicitor Austin recommended against opening the door to this type of action; you also make the Borough subject to litigation if you forgive taxes for one entity but not for another. Mr. Byers recalls past precedence for a developer, and the homes were rehabilitated and put back on the tax rolls. Mr. Ogden confirmed that in the case of the developer, money was brought back into the community, but would not be the case with the CNC. Mr. Stewart advised that the CNC is a non-profit, and they improve and conserve green space. Mr. Cindric asked to state the dollar value in the motion. Solicitor Austin re-iterated his concerns, even considering the Quid Quo Pro. Ms. Koerbel thanked the CNC for offering the area for a contractor staging area, but we are not sure at this time that this would be the actual staging area. She stated that the Borough has already spent over \$1,400. on legal and lien fees, and does not feel Council, can in good conscientious vote for this considering the good business people that have spoken to Council tonight who also desire a tax reduction. She also stated that voting for this against the advice of our Solicitor. Mr. Cindric stated that Carlynton School Board forgave the back taxes on both of these two properties in January 2004, and he is not aware of any previous action where the Borough refused to go along with any action or exoneration approved by the school board. Mr. Cindric advised that the cost of a staging area would be very valuable. Mr. Stewart re-iterated a serious need for this staging area, for a period of almost nine months, so the Borough will receive a benefit. Mrs. Sappie indicated that it is her past experience that obtaining a staging area is the Contractor's responsibility. They contact a property owner and make deals; it is not the Borough's responsibility to do this, and also what liability does this open for the Borough in the event of damages, etc. It was also confirmed that this is the Contractor's responsibility, by Engineer Minsterman, and he could not provide an estimate on cost. Mrs. Viola suggested that the perhaps the CNC negotiate with the Contractor in the amount of \$7,192.57 for the staging area, pay the taxes rather than ask for their forgiveness, and leave the Borough out of it and any possible change of litigation, and the Contractor would, of course, include this cost in its proposal to the Borough.

MOTION failed by a Five No, Four Yes (*Byers, Christman, Cindric, Stewart*).

### **FINANCE**

**MOTION:** It was regularly moved by Mr. Christman, seconded by Mrs. Viola, to adopt the "Proposed" 2007 General Fund Budget and make it available for public inspection.

MOTION carried by Unanimous Roll Call Vote (9-0).

**MOTION:** It was regularly moved by Mr. Christman, seconded by Mr. Donovan, to authorize the Borough Manager to solicit proposals for a \$3.5 million dollar bond issue.

MOTION carried by Unanimous Roll Call Vote (9-0).

### **PUBLIC WORKS**

**MOTION:** It was regularly moved by Mr. Byers, seconded by Mr. Donovan, to approve the final payment to A. Folino Construction in the amount of \$6,034.92, for the 2006 Road Resurfacing Program, as recommended by the Engineer. **COMMENTS:** Mr. Donovan inquired as to why it took so long to make final payment. Manager Sample indicated that there were quite a lot of punch list items that needed to be completed.

MOTION carried by Unanimous Roll Call Vote (9-0).

### **NEW BUSINESS/COMMITTEE REPORTS**

Mr. Donovan – Apologized for his tardiness; reason work related.

Ms. Koerbel – The Crafton Planning Commission had their final meeting for the year, and plan on changing to 6:00 pm for meetings in 2007, and will remain on the 3<sup>rd</sup> Monday.

Mr. Ogden – Re-iterated his comments regarding the need for donations for the Crafton Volunteer Fire Department.

Mr. Christman – Thanked all of the volunteers for attending the Crafton Celebrates meeting; advised that a postcard was sent out to the residents. The next meeting is on Dec. 12<sup>th</sup>.

Mr. Byers – None

Mrs. Sappie – Senior Citizen Dinner: A collection was taken up by the attendees and funds given to the workers/volunteers in appreciation. It is the intention to put these funds back into the program for door prizes, etc. The next dinner is Dec. 9th, featuring a ham dinner, entertainment and Santa, and a grab bag gift. She commented on the discussions from the last meeting concerning the services of Case Sabatini; that there was misinformation, that the proposal of \$7,250 did not include services to become GASB-34 compliant as they were lead to believe.

Mrs. Viola – Reported that any booth organization would need to provide a member for the Crafton Celebrates committee.

Mr. Cindric – Attended the COG meeting; slight decrease in dues. The Enterprise Zone resolution was passed unanimously and \$500,000 is available for Enterprise Zone grants for various businesses, other than retail. He also attended the REMS meeting; they are making application for grants for equipment. Their annual meeting is planned for January

**ADDITIONAL CITIZEN COMMENTS** - None

**ADJOURNMENT**

**MOTION:** It was regularly moved by Ms. Koerbel, seconded by Mr. Ogden, that this meeting be adjourned.

MOTION carried by a Unanimous Voice Vote.

Respectfully submitted,

Mary Tremblay, Borough Secretary