

**REGULAR MEETING
MINUTES OF SEPTEMBER 24, 2008**

President Christman called to order the Regular Meeting of Crafton Borough Council at 7:15 P.M., in Council Chambers of the Community Center. Flag Salute was led by Mr. Donovan. Roll call by Mrs. Keeley recorded nine (9) members of Council present as follows: Mr. Bloom, Mr. Byers, Mr. Cindric, Mr. Donovan, Mrs. Luxbacher, Mr. Ogden, Mrs. Sappie, Mrs. Viola, President Christman. Also present were Mayor O'Connell, Manager Sample and Solicitor Ayoob.

APPROVAL OF BILL LIST

MOTION: It was regularly moved by Mr. Byers, seconded by Mr. Donovan, to approve the September 24, 2008 List of Bills as presented for payment. **COMMENTS:** Mrs. Viola inquired on #409.37, repairs to the park surveillance system. Manager Sample explained that the camera that faces the pool pump area needed replaced. Mrs. Viola also inquired if the listing under #453.21, Sam's Club supplies to the pool concession was supposed to be listed under #453.23 Sr. Dinner. Mrs. Keeley advised that the bill was for both. Mrs. Sappie inquired on #410.37, bill for towing from Wolbert Auto. Mrs. Sappie wanted to know if we were covered under AAA. Mayor O'Connell did not think so. Manager Sample explained this was from the car involved in the accident and that the Borough is working with the insurance company.

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

APPROVAL OF MINUTES

MOTION: It was regularly moved by Mr. Donovan, seconded by Mr. Bloom, to approve the September 10, 2008 Meeting Minutes. **COMMENTS:** Mrs. Viola disagreed with the wording on Page 2 under Old Business and New Discussion Items that reads "the CVFD would be willing to pay ½ the increase over \$10,000.00". Her notes indicate that the line should read "the CVFD would be willing to pay anything over \$10,000.00." We were to pay the first \$10,000.00 then they would pay anything over that. Mr. Byers inquired whether the Motion to Approve should be withdrawn and the Minutes approved at the next meeting. Solicitor Ayoob advised the Motion could be withdrawn until the tape can be reviewed or the Motion could be tabled. He also advised the Motion could be voted on pending review of the tape. Solicitor Ayoob then presented a new motion.

MOTION TO AMEND THE MOTION to approve the Minutes subject to a review of the tape to confirm the language, per Mrs. Viola's question. Mr. Donovan agreed. Mr. Byers seconded the Motion.

MOTION To Amend carried by Unanimous Voice Vote

MOTION TO APPROVE AMENDED MINUTES: It was regularly moved and seconded to approve the Minutes of September 10, 2008 subject to a review of the tape in order to confirm the provision identified by Councilwoman Viola.

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

CITIZEN'S DESIROUS TO ADDRESS COUNCIL

Joan Kury, 30 Lincoln Avenue - Advised notices from the Borough on poles are still posted on Mildred Street and Division Street. Manager Sample advised they would be removed in the morning. Mrs. Kury wanted Council to know she is happy with the purchase of the new fire truck and she hoped Council would not rescind the vote from the last meeting.

Mike Neimic, REMS - Provided an update to Council. Also, advised Council of a grant that Robinson Township received for their fire department that might be something Crafton might like to look into.

RECEIPT OF WRITTEN REPORTS

The following written reports were provided in Council's Packet: Treasurer's Report, Financial Report, Act 511 and Trash Collection Fee Reports, Police Report, Ordinance Officers Report, CVFD Report, REMS Report, Animal Control and Engineers Report. **COMMENTS:** None.

MOTION: It was regularly moved by Mr. Donovan, seconded by Mr. Bloom, to accept the written reports.

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

ENGINEER'S REPORT (Engineer not Present)

Manager Sample provided a report: Sewer contractor still needs to complete restoration of Crotzer with final payment to be made when completed. 2nd payment to Michael Facchiano Contracting is recommended for completed work in the amount of \$8,510.49. Change order has been signed and its hoped that Facchiano will be on site tomorrow to begin work. It should take from 10 to 14 days to complete at which time the bridge would be opened again to traffic. Also, included in this packet was an e mail to Jim Bintrim of HDR questioning how long the repairs from Facchiano would last. He said we should be able to get a year out of it with the possibility of a year and a half. If we save next years road tax then we would have funding available for the bridge work. It does look feasible that we would be able to do that. The next items are the HVAC and the Boiler, and the Promenade Demo, both of which are proceeding on schedule. **COMMENTS:** Mrs. Viola inquired about the rebar from the bridge. Manager Sample advised that now that the change order has been officially signed and the rebar is ours, a truck big enough to move the rebar will move it to the Public Works garage for storage. Mr. Christman inquired if we could get a POD from Home Depot. Manager Sample advised that this would be cost prohibitive. He said they were looking to store them in sections of sewer pipes, cap them and keep them out of the elements and then the sewer pipes would be there for our use on other jobs. Mr. Bloom advised that the rebar on the bridge is covered as of this point. Mr. Christman inquired about the boiler and the HVAC unit. Manager Sample advised both are on schedule and that the contracts were being delivered tomorrow to be signed and mailed out on Friday. Manager Sample advised, regarding the Demo on Promenade Street, that the contracts have been signed. We are waiting for the contractor to begin. Mrs. Viola inquired if there was an issue with the neighbor as far as allowing the contractor access to the property by using his driveway. Solicitor Ayoob replied there was a problem with the contractor being concerned with damaging the driveway. The contractor went to the owner and wanted them to sign a waiver stating that if damage occurred to the driveway they would not be held accountable. The owner's attorney contacted Solicitor Ayoob's office, and he contacted Manager Sample. Solicitor Ayoob advised that the contractor would be accountable if any damage occurred to the property owner's driveway. Before the contractor begins work, it will be made expressly clear that the contractor will be responsible for any damage and that payment will be withheld until the property is checked for any damage.

MAYOR'S REPORT

Mayor O'Connell reported there were 266 calls during the month of August. This was a 24% increase over the average per month for the rest of the year. Emergency contact forms were being distributed to local businesses to update the Police Departments records in case of an emergency. They were distributed by the two new officers, giving them a chance to get to know the business owners and be out on foot patrol. Plans are in process to upgrade or replace the security cameras for the Police Department. Prices are being received for this replacement. Mayor O'Connell inquired as to whether Council would want to increase the amount of surveillance cameras at the Municipal Building. Mr. Christman inquired how far the cameras extended at the rear of the building in the parking lot. Manager Sample advised only as far as the ten spaces allotted to the Borough for parking. Mayor O'Connell also wanted Council to

know that Dennis Piper of DEP donated a reconditioned laptop to the Police Department for the DARE Program. This laptop will be an asset to the Program and his donation is very much appreciated. Mayor O'Connell spoke on plans for the bridge: to build up funds and have cash on hand so as not to incur more debt and encouraged Council to try to work these into the budget. Mayor O'Connell reminded Council that not long after the last meeting of September 10, 2008 it was her intention to Veto the action taken with regard to the KME Aerial Truck purchase and with regard to the PNC Bank lease/purchase financing and she understands that it is the Solicitor's opinion that it is not appropriate for her to veto at this point. However, she did not agree, and consulted her own legal counsel and was told that her view was proper. Under the circumstances, she presented the original copy of her veto to Council and asked that it be entered into the minutes for this meeting. (Veto Attached) Mrs. Luxbacher inquired if any estimates were available for additional cameras. Mayor O'Connell stated that any increase would depend on the number of new camera locations considered. Mr. Christman spoke on possibly putting a new camera on the Library side parking lot. Mr. Bloom inquired if there were possibly FEMA grants for this, or under Homeland Security. Mayor O'Connell advised that while the Crafton Police Department has applied for FEMA grants, the department has received only a flotation vest as a result of those applications.

PRESIDENT'S REPORT

Mr.Christman provided a revised Committee Assignments and Appointments list and requested comments. There were no comments.

MANAGER'S REPORT

Nothing to report.

DISCUSSION ITEMS AND OLD BUSINESS

- a. Resident Parking Permits-- Mr. Bloom spoke on parking problems associated with the Busway on North Emily Street. Discussion followed for possible Resident Parking only or Permit Parking only for certain streets affected by the parking from the Busway. Solicitor Ayoob advised that an ordinance would be required for any overflow parking restriction imposed by the Borough, to allow enforcement to be supported by the weight of the ordinance. Manager Sample advised he would bring a proposed ordinance before Council at the next meeting on October 8, 2008 to be reviewed and tailored to the Borough's needs.
- b. Increasing the Membership of the Zoning Hearing Board—Mr. Cindric requested this be put off until a later time. Mr. Christman agreed.
- c. Fall/Winter Newsletter Review—Manager Sample advised no articles have been submitted since the last meeting. The 2007 newsletter would be updated and any articles that do come in between now and the publication date will be included. Mr. Christman requested anyone on the various committees to submit anything that might be happening within their committee. Manager Sample advised Council the final draft would be available at the next meeting on October 8, 2008, to be approved. Linda Breeden inquired if the newsletter would be out in time to put the information that flu shots would be available at the Borough Building on October 25th. Manager Sample advised that if the newsletter is approved at the next meeting, to the printer on the 9th, then mailed on the 11th there should be enough time.
- d. KME Aerial/Pumper Truck—Mr. Cindric re-iterated that Council had authorized the purchase of the KME Aerial/Pumper Truck for \$748,00.00. That since \$35,000.00 was coming from the Relief Association he wanted to know if this amount should be removed from the actual cost of the truck. Mr. Cindric inquired if there were two purchase orders. Chief Hermes did not know. Solicitor Ayoob advised that for this vehicle there is only one purchase order. Manager Sample gave the amount of the truck as \$740,362.00 as the purchase price and this included the updates. Mr. Cindric requested that if this goes through, that the Relief Association co-ordinate with the Borough Manager to be sure the purchase order is written correctly. The second item Mr. Cindric spoke on was that the money that goes into the Fire Equipment Sinking Fund is allocated from Crafton taxpayers. The only money coming from the Fire Department is the

\$160,000.00 loan. Mr. Cindric advised that in the Minutes of March 9, 2005 there is a motion authorizing the Borough Manager to work with the Crafton Volunteer Fire Department in making application to the PEMA Volunteer Loan Assistance Program for a fire truck loan in the amount of \$160,000.00 in accordance with the DCED requirements and it passed 8-1. Mr. Cindric questioned Chief Hermes as to what happened to this \$160,000.00 loan. Chief Hermes stated he did not know. Manager Sample stated that at that time he was the Assistant Manager and that he believed the Bond was refinanced and the proceeds came out of that refinancing. Mr. Byers stated that was correct. Mr. Cindric wanted to know why we did not use the 2% Fire Commissioners Loan instead of the 3.87% loan at the time. Mr. Cindric spoke further on the possibility of combining services with Ingram Borough and other surrounding communities, and hoped to have a formal meeting with Ingram Council next month on these issues. Mayor O'Connell spoke on the need to look at the budget and to possibly look into a joint purchase as well as other financing. Mr. Cindric stated that he would like Council to support the Mayor's veto by either rescinding the original resolution or reconsidering it. Mr. Byers asked Chief Hermes what other manufacturers besides KME were contacted. Chief Hermes replied that Seagrave, Farrarah, La France and Crimson. Mr. Byers wanted to see if more manufacturers could meet the specs provided by the Fire Department. Chief Hermes stated that they all could bid and that the specs were open to all. He stated that the reason this was requested at this time was motivated by the cost differential each year it was delayed. Mr. Byers stated that the reason he had asked for a rescind was the fact that we should do this by ordinance for such a large capital purchase. Mr. Cindric spoke further on the possibility of waiting until 2012 and reapplying for the FEMA Grants between now and that time. He also questioned why we have not inquired as to why our application for a grant was denied. Mr. Cindric suggested it might be a good idea to hire a grant writer. Mr. Byers inquired if we are guaranteed that there are not going to be any change orders with this truck purchase. Manager Sample stated that he would not make a blanket statement that there is be no change orders. With any project this size, whether it be lights, lettering, or something of that nature, there could be change orders. Obviously, before they're done they would be reviewed and looked at as to who is going to pay for those costs. Mr. Byers spoke on the problems of raising revenue with the current economic problems. Mr. Cindric spoke further on the tax situation and that 1 mil brought in more money in 2006 than it did in the past year. Mrs. Sappie questioned Mr. Cindric on the ¼ mil tax increase for the Fire Tax Fund he had spoken of at the last meeting, and if this was now off the table. Mr. Cindric restated the conditions under which he would support a ¼ mil tax increase. Mr. Cindric questioned Solicitor Ayoob as to whether the Borough had to guarantee the loan for \$160,000.00. Solicitor Ayoob stated that according to the Borough Manager, the structure of the loan has the Borough guaranteeing the loan. Mr. Cindric continued to speak on the financing of the new fire truck. Mr. Ogden spoke on the financing of the fire truck and the Motions on the agenda. Mr. Byers stated that this equipment purchase was not in last years budget or this years. Mr. Cindric had questions for Solicitor Ayoob regarding the ordinance to approve the PNC lease purchase agreement. Solicitor Ayoob explained what was on the Agenda. Solicitor Ayoob stated that the KME proposal sheet, dated September 11, 2008, talks about delivery to be made subject to all clauses of the contract within approximately 365 to 400 calendar days from receipt of the contract. There is no written agreement signed by the Borough and KME and no formal approval process other than the purchase order. It is Solicitor Ayoob's opinion that the Borough has not yet undertaken a contractual obligation. Solicitor Ayoob continued to speak on this issue. Solicitor Ayoob stated Mr. Byers and Mr. Cindric requested that a motion to reconsider the purchase of the KME Aerial Truck and a motion on the PNC Bank lease purchase agreement be placed on the Agenda for this evening. A motion to rescind is proper, not a reconsider. Solicitor Ayoob suggested that Council authorize the Borough Manager to tell KME, we are working through the formal process to approve this and to hold off until it's formally approved. Mr. Cindric questioned the Solicitor on the differences between reconsidering and rescinding a motion. Solicitor Ayoob read from Roberts Rules to explain. Mr. Cindric decided to withdraw the Motion

to reconsider as long as we did not need a two third majority vote for either of the rescission votes. Solicitor Ayoob stated we do not and spoke on the difference between a motion to amend and a motion to rescind. Mrs. Viola questioned the Solicitor as to why we did not have to go out for bids on this expenditure. Solicitor Ayoob explained because there was a statewide bid that we have the ability to piggyback on. In this case, the COSTARS is the statewide bidding process that enables all the municipalities in the state to benefit from the bid that's given to the state as a whole. The idea being the larger the body the more likelihood the company may sell more vehicles and as a result we get a better price. Mrs. Viola and Mr. Byers stated that they would have liked to see the bids from the other companies. Manager Sample stated that of the companies that were contacted, Seagrave did submit and they were \$35,000.00 higher than KME for the 100 foot ladder. We did not receive any other quotes from the companies that were contacted. Mr. Byers felt that there should be more competition. Mrs. Luxbacher spoke on the need to start co-operating with Ingram and not consider buying used equipment. Mrs. Luxbacher also felt that the Borough needed to pursue infrastructure grants and felt we should have a grant writer for the Borough.

e. Community Infrastructure and Tourism Fund-- Manager Sample spoke on the new grant the County just unveiled at the beginning of September for up to \$250,000.00. Mr. Cindric inquired if we would be able to combine both the salt bins and a storage facility. Manager Sample agreed that this could be done and it was his recommendation that we apply for this as one project. Further discussions followed. Mrs. Luxbacher stated that we need to obtain more grants. Manager Sample advised that we had received grants for a park storage facility, a \$5,000.00 grant for the Celebrates for a storage facility, and cameras in the park as well as other grants.

BUSINESS AGENDA

ADMINISTRATIVE

MOTION: It was regularly moved by Mr. Byers, seconded by Mrs. Viola, to appoint Edward Stewart to the Civil Service Commission, for a six (6) year term which shall expire on July 1, 2014.

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

PARK AND SHADE TREE

MOTION: It was regularly moved by Mr. Ogden, seconded by Mr. Byers, to appoint Judy Kueshner to the Crafton Shade Tree Commission, for an unexpired term which shall expire on March 31, 2010.

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

MOTION: It was regularly moved by Mr. Ogden, seconded by Mr. Byers, to appoint Kathy Vincent to the Crafton Shade Tree Commission, for a term which shall expire on March 31, 2011.

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

MOTION: It was regularly moved by _____, seconded by _____ to appoint _____ to the Crafton Shade Tree Commission for a term which shall expire on March 31, 2012. MOTION Withdrawn.

PUBLIC SAFETY

MOTION: It was regularly moved by _____, seconded by _____ to reconsider the September 10, 2008 motion which was stated as "I move to approve the lease purchase of a KME Aerial

~~Truck for the Crafton Volunteer Fire Department through the COSTARS program for an amount not to exceed \$748,820.00, to include 2009 NFPA standards". MOTION Withdrawn.~~

~~**MOTION:** It was regularly moved by _____, seconded by _____ to reconsider the September 10, 2008 Public Safety Motion which was stated as "I move to authorize the proper Borough Official to enter into an agreement with PNC Bank for the lease/purchase of a KME Aerial Truck subject to the review of the Borough's Solicitor". MOTION Withdrawn.~~

MOTION: It was regularly moved by Mr. Byers, seconded by Mr. Cindric, to rescind the September 10, 2008 motion which was stated as "I move to approve the lease purchase of KME Aerial Truck for the Crafton Volunteer Fire Department through the COSTARS program for an amount not to exceed \$748,820.00, to include 2009 NFPA standards".

MOTION failed by Six No, Three Yes (Byers, Cindric, Viola) (6-3)

~~**MOTION:** It was regularly moved by _____, seconded by _____ to rescind the September 10, 2008 Public Safety Motion which was stated as "I move to authorize the proper Borough Official to enter into an agreement with PNC Bank for the lease/purchase of a KME Aerial Truck subject to the review of the Borough's Solicitor". MOTION Withdrawn.~~

MOTION: It was regularly moved by Mrs. Sappie, seconded by Mr. Donovan, to authorize the advertisement of an ordinance, authorizing the purchase of a KME Aerial Fire Truck, entering into an agreement with PNC for the lease purchase of a KME Aerial Fire Truck, and entering into agreements with the Crafton Volunteer Fire Department and the Relief Association binding the Crafton Volunteer Fire Department and the Relief Association to contribute \$160,000.00 plus any amount over \$10,000.00 for the 2009 NFPA Standard Upgrades and \$35,000.00 respectively for the purchase of the KME Aerial Fire Truck. **COMMENTS:** Suggestions were made regarding the possibility of Thornburg and Rosslyn Farms making some contribution to the purchase of the fire truck. The following language added per Council's review/approval of Minutes - 10/8/08: Mr. Cindric asked if the Manager, or anyone, had seen the loan approval for the \$160,000. Mrs. Viola noted that Chief Hermes had stated previously that they (CVFD) had approval. Upon inquiring further, Chief Hermes stated that he believes they have approval; approval from more than one agency. Mr. Christman asked him if he could retrieve them, but Chief Hermes stated that he doesn't know where the documents would be, that Mr. Crown would have to provide them.

Mr. Cindric moved to table the Motion until we have the actual approval documents from the Fire Commissioner of the \$160,000.00 loan so that we can be sure that that money will be supplied.

MOTION: It was regularly moved by Mr. Cindric, seconded by Mr. Byers to table this Motion until we have those documents.

MOTION TO TABLE failed Six No, Three Yes (Byers, Cindric, Viola) (6-3).

(Original) MOTION carried by Six Yes, Three No (Byers, Cindric, Viola) (6-3).

PUBLIC WORKS

MOTION: It was regularly moved by Mr. Bloom, seconded by Mr. Donovan, to approve payment #2 to Michael Facchiano Contracting, in the amount of \$8,510.49, per the recommendation of the Engineers. **COMMENTS:** Question if this was for work completed; answered in Engineers report.

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

**With the approval of the President, Mrs. Sappie had to leave prior to voting.*

MOTION: It was regularly moved by Mr. Bloom, seconded by Mrs. Viola, to approve the submission of the Community Infrastructure and Tourism Grant to Allegheny County for the purchase of a salt/storage facility.

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

COUNCIL COMMENTS/COMMITTEE REPORTS:

Mr. Byers—Requested information of Natural Gas from Solicitor Ayoob. Suggested to contact Robin Anthony as she is a geologist.

Mrs. Luxbacher—Spoke on Library renovations. Hoping to be done by the end of October.

Mr. Cindric—Had questions regarding REMS response to a call. Gave summary of COG meeting. Discussion with Manager Sample on Street Light grants.

Mr. Donovan—Remember the Volunteer Fire Department.

Mrs. Viola—Spoke on a press release from Gov. Rendell regarding balancing budgets.

Mayor O’Connell—Reminded that the Budget meeting is next week.

ADDITIONAL CITIZEN COMMENTS

None

ADJOURNMENT

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

MOTION carried by Unanimous Voice Vote (8-0)

Respectfully submitted,

Patricia A. Keeley
Assistant Secretary