

COUNCIL AGENDA MEETING
Minutes of October 8, 2008

CALL TO ORDER

Vice President Cindric called to order the Agenda Meeting of Crafton Borough Council, in Council Chambers of the Community Center. Flag Salute led by Mrs. Luxbacher. Roll call, by Mrs. Tremblay, recorded eight members of Council present (8), as follows: Mr. Bloom, Mr. Byers, Mr. Cindric, Mr. Donovan, Mrs. Luxbacher, Mr. Ogden, Mrs. Sappie, and Mrs. Viola – Also present were Mayor O’Connell, Manager Sample, Solicitor Ayoob, and Engineer Minsterman. (*Absent:President Christman*).

APPROVAL OF BILL LIST

MOTION: It was regularly moved by Mr. Donovan, seconded by Mrs. Sappie, to approve the October 8, 2008 List of Bills. **COMMENTS:** Mrs. Viola inquired on the #404.31 Campbell, Durant & Beatty legal expense; Mr. Sample stated that these charges were related to a personnel issue and the post work on the labor contracts. Building Insp. Underwriting; #413.14 and #414.12, what is the difference; Mrs. Tremblay advised that #413.14 is for zoning and rental inspections and #414.12 is for building permits and inspections. She requested clarification of the Gateway Charges; Mrs. Tremblay advised that the \$100. retainer is expensed under #408.31, and the services provided through 9/20/08 were under #430.31. Mr. Sample advised that he would provide Mrs. Viola with a copy of the invoice. Mr. Sample also noted that the Traffic Signal repair was for the replacement of the timer in one of the flashing school signs, and that under the sewer fund equipment repairs expense, was for street sweeper brooms replacement; that the mini broom lasts about a season, and usually replace two sets of side brooms in a season.

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

APPROVAL OF MINUTES

MOTION: It was regularly moved by Mr. Byers, seconded by Mr. Bloom, to approve the September 10, 2008 Meeting Minutes, as amended.

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

MOTION: It was regularly moved by Mr. Bloom, seconded by Mr. Byers, to approve the September 24, 2008 Meeting Minutes, (added:) *as prepared with a modification to include the questions and Chief Hermes’ reply concerning the approval and documentation of the \$160,000. loan.* **COMMENTS:** Mrs. Viola asked about the status of the Mayor’s Veto which was provided at that meeting. Mrs. Tremblay stated that the minutes do reflect the Mayor’s Veto being presented at the meeting and to be attached to the Minutes. Mr. Ayoob noted that status of the Veto has nothing to do with approval of the minutes; the minutes are what they are and only reflect what transpired at that meeting. Mayor O’Connell and Solicitor Ayoob reiterated their position and understanding with regard to the Veto. Solicitor Ayoob added that, to avoid any procedural issue, an ordinance was prepared, to provide for the substance of action, to authorize the purchase of the aerial fire truck, and setting other terms for its purchase and financing. Mr. Byers indicated that language regarding Chief Hermes reply concerning the loan approval for the \$160,000. was omitted and requested that the minutes be amended to include those comments. Mrs. Viola inquired if such documentation has since been provided to the Borough. Manager Sample stated no, and that it was his understanding that the loan is still in process. Mr. Crown spoke, and noted that Chief Hermes had misspoke at the last meeting, that he may have had this confused with the agreement between the fire department and the Relief Association with regard to the loan. Solicitor Ayoob noted the terms and conditions stated in the draft Agreement between the fire department and the Relief Association. Mr. Crown stated that the Agreement is structured so that the fire department is borrowing the funds, the 2% loan, because the Relief Association is not permitted to

borrow money, but the Relief Association will make the loan payments since it would be paying for allowable expenses. Mr. Cindric advised that this matter can be discussed later, that the motion before Council is to approve the minutes with the amendment (*Byers/Bloom*).

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

CITIZEN'S PRESENT TO ADDRESS COUNCIL

Rev. Bowen, Crafton U.P. Church – Noted that the benefit spaghetti dinner was very successful, and \$2,387. was raised to benefit Alyssa Boff's family. He thanked the PTA, the Carlynton Cougar football players, and the businesses for their donation of food and supplies for the dinner. Rev. Bowen also noted that they are offering a tutoring program, in conjunction with the school district, for 7th -8th grade students, on Mondays through Thursdays, from 2:30-4:30pm, for any subject. The district is providing a teacher and a pool of student tutors. A similar program is being offered in Carnegie at the Boys and Girls Club.

ENGINEER'S REPORT

Engineer Minsterman reported Black's Bridge is open and there is a recommendation for payment to the contractor on the agenda. The Bridge consultant is preparing plans and specifications for additional work on the bridge. A field meeting is scheduled with the demo contractor for 192 Promenade to evaluate some issues there; he and Manager Sample will attend that meeting. HVAC & boiler contractor will be scheduling the work soon, and he will advise Manager Sample of the start date. October 29th, at 6pm, prior to the budget meeting, Gateway will be presenting planning for engineering and construction projects; reviewing 2008 and items to plan and budget for in 2009. COMMENTS: Mrs. Luxbacher inquired if there are any additional weight restrictions now that the bridge is reopened. Mr. Minsterman said it is not necessary, since the structure issues were taken care of, it is only maintenance issues that remain. Mr. Sample noted that there currently exists a 5 ton weight limit posted on the bridge. Mr. Byers asked what precautions would be taken during the demo of 192 Promenade with regard to dust control, mold, etc, and would this be addressed at the field meeting? Mr. Minsterman noted that the contract requires the contractor limit the air born pollutants during the work, and it will have to be monitored, on an as-needed basis, by both the borough public works or manager, and Gateway to make sure they are in compliance.

OLD BUSINESS and NEW DISCUSSION ITEMS:

a. Ordinance #1593 – Purchase of KME Aerial Fire Truck: Manager provided a memo dated October 7th with a cost breakdown. Ordinance slightly modified from the 1st draft; contract with Relief Association as opposed to two, being one with the CVFD and one with the Relief Association, and combining the numbers \$160,000 and \$36,500 to \$196,500 and more specific numbers for Contract and the PNC finance lease. It was clarified that the ordinance and other documents were revised and should indicate a total cost of \$740,362. Mrs. Viola inquired as to who is the Crafton Volunteer Firemen's Relief Fund Association and can they guarantee repayment of \$196,500. Mr. Ayoob noted that they are a legal entity chartered in the 1920's as a non-profit, non-stock domestic company. He further clarified that the payment by the Relief Association is not guaranteed, but are contractually bound, and enforcement option would be to sue the Relief Association. Mr. Crown indicated that the officers of the Relief Association are the same as the Volunteer fire department officers. The State established a foreign fire fund and funds are derived from 2% of insurance premiums. Those funds are divided and provided, through the office of the Auditor General's Office, to all of the volunteer fire departments. The funds can only be spent by the Relief Association for specific expenditures; 2008 guidelines are available on the Auditor General's website. The balance in the Relief Association is approx. \$89,000. which doesn't yet include the foreign fire check which was just recently given to them. Mr. Cindric added that in the Auditor General's guidelines there are "Frequently Asked Questions", which particularly address the questions on borrowing and making of equipment lease payments, and the making of an agreement between the fire company and the Relief Association. Mr. Crown noted that certain equipment that is a part of the truck qualify under the act, and he referred Council to the 2005 truck

purchase, as an example, whereas the purchase was broken down into three separate invoices, for that purpose. Mr. Ayoob indicated that he has not yet seen the Agreement between the volunteer fire department and the Relief Association, but the Ordinance is only intended to outline the structure of the transaction as it has been presented to him. Mr. Ogden asked when would the \$160,000. be available. Mr. Crown said in accordance with the guidelines, it would be available at the time of delivery. Mr. Ayoob noted that since the \$36,500. is presently available, it could be arranged through the bank to pledge that amount to the borough. Mr. Ayoob also requested that the Agreement be modified to state that those funds would be provided on or before the delivery of the vehicle. Mr. Cindric, with regard to the CVFD audit, made note that the officers of the fire department are the same as the officers of the Relief Association. In response to Mr. Ogden, Mr. Crown stated their collateral far exceeds the value of the loan (dept. owned vehicles, assessed value of the building). Mr. Ayoob further requested that the Agreement be modified to obligate the CVFD in addition to the Relief Association to pay the \$196,500.; which was agreeable to Mr. Crown. Mr. Cindric asked if the IRS form 990, which is filed annually by the fire department, could be provided to Council. Manager Sample confirmed that all references in the ordinance to the PNC financing should read \$543,862. Mrs. Viola inquired as to the status on the balance due on the 2005 truck purchase. Mr. Sample indicated that the note matures in 2014 with payments of approx. \$200,000. per year for principle and interest, but the note included refinance of the original note and also included funds borrowed for the Duncan property purchase and other projects. It was estimated that another major truck purchase would probably not be necessary until somewhere around 2021 to 2030. Manager Sample reiterated his concerns relating to the amount of borrowing as it relates to the proceeds anticipated for the sale of the old truck and the funds anticipated for the capital campaign. Mayor Stover of Rosslyn Farms has shown much support for a capital campaign, but Mr. Crown has not heard back yet from anyone from Thornburg. Mrs. Viola suggested that the amount projected either be eliminated or reduced. All amounts received from these two sources would go into the sinking fund and go toward the 2011 payment, which would then reduce the borough's payment. Mr. Crown indicated that there have been some informal talks with some members of Ingram, but there was no interest at that time to move forward on any type of consolidation. He also indicated that the moneys out there for mergers and acquisitions is very small.

b. Permit Parking Ordinance – Manager Sample referred everyone to the draft ordinance provided, which mirrors Dormont's ordinance. It sets procedures to petition the borough for resident parking permits, it would provide for resident as well as visitor and temporary permits, and an annual permit for landlords of rental property. Fee would be set by Council, under the fee resolution, and the fee would cover administrative costs, which cost is reduced by offering a two year permit rather than an annual permit. Mr. Cindric noted that color coding of the permits should be considered for various zones in the borough, and a permit does not guarantee a parking space – on street parking would still be first come, first serve, during the hours of 7am to 5pm. Mr. Bloom offered several comments, and Manager Sample suggested that the motion to advertise be withdrawn, and revisions made and the motion reconsidered at the next meeting.

c. Stop Sign at Bradford Avenue and Crafton Boulevard – Manager Sample advised that PennDot has said it is a locally owned State road, and it would be the borough's responsibility to perform a traffic study at its own cost. Mrs. Luxbacher offered that perhaps some other means can be considered to alert people that it is a dangerous intersection, if a stop sign cannot be installed providing for a three-way stop. Mr. Bloom advised that a traffic study would have to be done by a professional, and not our police department, to create an enforceable ordinance. Mr. Ogden said he could perhaps talk to Mr. Wooster. Mr. Cindric inquired of Mr. Hunt, in the audience, who works for a traffic engineering firm, and he estimated it to be approx. \$1,500 – \$2,000. He said a stop sign would be the cheapest way; other alternatives would be expensive such as lights installed in the crosswalk. Mr. Cindric requested that a motion be placed on the next agenda to authorize a traffic study at a cost not to exceed a certain cost.

d. Gas Rights; Public Works property – Manager Sample stated that he has spoken with a Jacqueline White, referred to him by Mr. Ayoob. Ms. White outlined a process and would be willing to meet with, and educate Council on the drilling process, and prepare an RFP for a drilling Contractor. The contractor will take a look and see if it warrants it, and enter into an agreement. Currently, it is \$3,000. per acre for gas, plus residual free gas for the public works building. Her cost would be \$65. per hour, for approx. 16 hrs.of work, which would be approx. \$1,000. If it is Councils desire, it can be placed on the next meeting agenda. Mr. Byers believes you would need a minimum of 10 acres, and any equipment would affect probably less than an acre. He also noted that title searches would be necessary to establish any ownership rights to the gas.

BUSINESS AGENDA

ADMINISTRATION

MOTION: It was regularly moved by Mrs. Luxbacher, seconded by Mr. Bloom, to approve the 2008-2009 Fall/Winter Borough Newsletter articles; as submitted, subject to any necessary formatting adjustments by the Newsletter Committee. **COMMENTS:** Mrs. Viola indicated that she noticed a few typo errors, and would provide them to the secretary.

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

~~**MOTION:** I move to authorize the advertisement of an ordinance amending Chapter 214 of the Crafton Borough Code of Ordinances, revising the policy of Residential Permit Parking on certain streets in the Borough. WITHDRAWN, pending additional changes.~~

PUBLIC SAFETY

MOTION: It was regularly moved by Mr. Bloom, seconded by Mrs. Sappie, to adopt Ordinance No. 1593, 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 Firemen's Relief Fund Association and the Crafton Volunteer Fire Department to contribute \$196,500.00 for the purchase of the KME Aerial Fire Truck. **COMMENTS:** Mrs. Luxbacher asked if any change is necessary considering the discussion regarding the funds anticipated for the sale of the old vehicle and capital campaign. Manager Sample stated that the amount of the PNC agreement would not change, only the payment schedule would change. Mr. Ogden asked Mayor O'Connell if it is still her intention to Veto the ordinance. Mayor O'Connell stated yes, that she truly believes that this borough cannot afford this expense at this time; that it is a financially frightening time. There are other means that could be explored to properly equip the fire department with an aerial fire truck, that this is a rush to judgment in making this move at this time, and are really hamstringing future councils with regard to the budget. It has nothing to do with the fire department, it has to do with the financial stability of this borough. Mr. Ogden stated that, with the same argument, because of the economical situation, he believes the exact opposite; that to act now will lock in a lesser rate now. Mr. Ogden inquired to the Solicitor of the requirements at the next meeting for Council to override a Mayor's Veto if they so desire. It was confirmed that it would require a 2/3 majority vote, a 6-3 vote, to override the Mayor's Veto. Mr. Cindric commented that this purchase is especially problematic at a time when so many fire companies are struggling to maintain membership and to meet their operating, equipment and maintenance costs. He also calls into question, the wisdom of a State grant or loan program that enables individual companies to purchase vehicles, such as these, in the absence of a verifiable documentation of need or assessment of whether similar vehicles or equipment are already available in neighboring jurisdictions. Funding is misdirected toward hardware and equipment, focuses on equipment and not on obtaining and retaining more people. Therefore, he cannot support this action.

MOTION carried by a Five Yes, Three No (*Byers, Viola, Cindric*).

PUBLIC WORKS

MOTION: It was regularly moved by Mrs. Sappie, seconded by Mr. Donovan, to approve final payment to Michael Facchiano Contracting, in the amount of \$26,392.07, per the recommendation of the Engineers. **COMMENTS:** Manager Sample advised that this closes the contract with Facchiano. Mr. Bloom felt that this cost was ridiculous considering the amount of work that was needed and done, and this job should have cost half of this amount. Mrs. Viola and Mrs. Luxbacher noted their agreement with Mr. Bloom as well.

MOTION carried by a Six Yes, Two No (Byers, Viola) Roll Call Vote (6-2).

RECREATION

MOTION: It was regularly moved by Mrs. Sappie, seconded by Mr. Donovan, to appoint Pam Palchowski to the Crafton Recreation Board, for the At-Large Seat, for the unexpired term of Walt Kaminski, which shall expire on September 30, 2011. **COMMENTS:** Mrs. Sappie thanked Walt Kaminski for all of his work done on the Rec Board, his donations of desserts and breads for the Senior dinners, and his help, and his wife's help, at the dinners. Mrs. Viola questioned the procedure of appointments, and if letters of interest are submitted to the borough. Mrs. Tremblay indicated no, letters of interest are not submitted; and, organizations submit their representative choice to the borough for appointment.

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

MOTION: It was regularly moved by Mrs. Sappie, seconded by Mr. Ogden, to re-appoint Angelo Rullo to the Crafton Recreation Board, as representative for the Carlynton Little Cougar Football, for a four year term that shall expire on September 30, 2012.

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

SET AGENDA BUSINESS FOR REGULAR MEETING (October 22, 2008)

1. Traffic Study Motion.
2. Gas Rights Presentation.
3. Motion to advertise Resident Permit Parking Ordinance.

COUNCIL COMMENTS/COMMITTEE REPORTS

Mr. Cindric reported that an Executive Session of Council was held prior to the meeting to discuss potential litigation involving a zoning issue, a police personnel issue, and a request for reimbursement and demolition of a house.

Mr. Donovan – thanked the CVFD for undertaking the task for this purchase.

Mr. Byers – Requested that Patrick Gilligan get in touch with the newer members of the Shade Tree commission.

Mrs. Viola – Reminded residents of the budget meetings scheduled for Wednesday, Oct. 15th, Oct. 29th, Nov. 5th, and if needed, Nov. 19th. Until the budget is set, the Council committee meetings usually held on those Wednesday will not be held. Mrs. Viola read a prepared statement with regard to the need for planning and forethought by borough officials. That the recent, and intended, purchase of fire equipment totaling a little less \$1million dollars shows fiscal irresponsibility. That financial instability is across the board; not only in our borough, but in our State and in our country. It is not that she did not want to vote for a new fire truck, she noted that the timing is not right; that Council needs to be fiscally responsible to everyone.

Mr. Ogden – Noted that it has been repeatedly reported that the cost of this new truck is actually less than 1% of the borough's annual budget. He thanked the CVFD for their willingness to put forth nearly \$200,000 towards this purchase in addition to risky their lives; that their reasons are to do a better job and save lives. It is the right thing to do, at this time, to lock in the price and not wait until 2010, 11 or 12 when the probable cost could be approx. \$1 million dollars. He thanked them for their hard work and diligence, and understanding during these discussions.

Mr. Bloom – Reported that he would like to meet, on Monday, with Public Works to review their needs for the upcoming 2009 budget meeting.

Mrs. Sappie – Reported that the next Senior citizen dinner is on October 25th. The flu shot clinic that was announced at the last meeting, has been cancelled due to the lack of interest. Rec Board met this past Monday and discussed increasing the cost, in 2009, to \$6.00 per person for the dinner, due to the higher cost of food.

Mrs. Luxbacher – She also thanked the fire department. She is pleased that the membership ranges in age from the very young to the very, very old; we have experience and the youth to continue on in the future years. The library will be having limited hours and closures during renovations, painting, carpeting, reshelving of books, etc. – hours are posted.

Mayor O'Connell – Reported that Chief Rost has been honored with a life membership with the International Association of Chiefs of Police, and will be recognized at the 115th Annual conference being held in November in San Diego, California. Halloween trick or treat will be held on Oct. 31st, from 6 until 8pm. They have finally been awarded a FEMA grant for night vision binoculars, after being denied the past two years. She also noted that she publicly wanted to squash any rumors that the fire department was entering into a contract with the Scott Township EMS; that it is not true and just a rumor.

ADDITIONAL CITIZEN COMMENTS

Mr. Crown asked Mayor O'Connell for specifics regarding that rumor. Several members of the Crafton Volunteer Fire Department spoke at this time; specifically on the need for safe equipment, etc., referring to a serious injury to a firefighter at the S. Linwood fire. Mr. Crown explained that there is no duplication of equipment with neighboring municipalities and explained the timely need for an aerial truck to be the first piece of equipment on the scene.

There was additional discussion to schedule a meeting with Ingram Borough officials, later this month, and for Council to consider either the 21st or 28th of October; Manager Sample to confirm a date and advise Council.

ADJOURNMENT

MOTION: It was regularly moved by Mrs. Luxbacher , seconded by Mrs. Sappie, that this meeting be adjourned.

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

Respectfully submitted,
Mary Tremblay, Borough Secretary