

**BOROUGH OF BRENTWOOD
MINUTES OF THE AGENDA MEETING
TUESDAY, SEPTEMBER 8, 2009**

EXECUTIVE SESSION: President Lieb stated Executive Session took place prior to this meeting, personnel and contractual issues were discussed. No votes were taken.

President Lieb announced Council will be taking acting on the following items:

- Item No. 8.q Consider the adoption of the 2010 Brentwood Borough Budget Schedule.
- Item No. 9.b Consider Work Authorization from Gateway Engineers for additional services associated with Construction Administration and Inspection Services for the Brentwood Stairways Replacement Project in the not to exceed amount of \$20,000.

1. Call to Order. The Agenda meeting of the Council of the Borough of Brentwood was called to order by Council President Jay Lieb at 7:31 P.M., on Tuesday, September 8, 2009 in Council Chambers.

2. Pledge of Allegiance: The Pledge of Allegiance was recited by all those present.

3. Roll Call: The following answered roll call: President Jay Lieb, Vice President Ann Schade, Mrs. Dawn Synborski, Mr. Richard Bender, Ms Janice Boyko and Mr. David Wenzel.

Absent: Councilman Mario Richards.

Also present: Mayor Kenneth Lockhart, Solicitor Robert Xides, Jr., Manager George Zboyovsky, Building Inspector Ralph Costa and Administrative Assistant Mary Lou Garase.

President Lieb said we will now take public comment As a friendly reminder, we respect everyone's opinion and an opportunity to speak, if you so wish. Please limit your remarks to three minutes. Give your name and address and organization you are representing. Please state the Agenda Item number that you wish to comment on and address Council as a body.

4. Public comments on Agenda items only! None.

5. Communications: None.

6. Department and Borough Managers Reports: President Lieb stated the following reports will be accepted at the Council Meeting:

- a. Public Works Department
- b. Building Inspector
- c. Engineer

- d. Police Chief
- e. Solicitor
- f. Borough Manager

7. Mayor's Report – None.

8. Administrative and Finance Committee – Ms Boyko

Ms Boyko stated at the next meeting we will consider the following:

- a. Approve the Minutes of the August 11, 2009 Council Agenda Meeting
- b. Approve the Minutes of the August 25, 2009 Council Meeting.
- c. Accept the Revenues for the General Fund: Real Estate, Delinquent Real Estate, Earned Income, Local Service Tax and District Magistrate.
- d. Accept the Revenues for the Sewer Fund: Sewage and Delinquent Sewage.
- e. Consider payment of August 2009 invoices over \$5,000 from the General Fund.

Mr. Wenzel stated, "I want to talk about one of the bills from the General Fund. Does that include this months' Solicitor bill dated September 3, 2009". Ms Boyko said I believe it is going to because I have it in my packet. Mr. Wenzel said are we going to discuss the fees that we are charged. The bill this month is \$12, 205.00. There were checks that were issued to people to appear in court that never showed up. Are we going to recoup that money? I think again, I am going to say this, I think it is outrageous that we are paying our Solicitor in the amount of \$5,487.50 for the law suit that the Borough took vs. our Police Chief Bob Butelli. The total comes out now to roughly a little over \$42,000 that was spent in four (4) years. This bill for the \$5,500 approximately only dealt with that first Hearing that lasted only 20 minutes. Now we have another one coming for a court action that took about an hour and a half or more. How much are we going to pay? Mr. Wenzel said Mr. Gobel himself said at the court hearing to the Judge; "Judge this is an academic exercise best left in a law school setting, which tells me that there is no win." He doesn't even consider it important. He also stated a couple times at the meeting or at the hearing, that no matter what happens, no matter what the Judge rules, that our Police Chief, the reason they were going after him was to get his job off of him. To cancel that contract. No matter how the Judge rules the Chief will have his job. That is what our Solicitor said. My question is: Why do we every month or when bills are submitted we are like swimming up water. All the water is rushing at us, it is a no win situation. How can we in good conscious spend good taxpayers dollars; and, I am guessing around \$60,000 for this silly court action, when our own Solicitor said we are not going to win anything out of it. That is what I am asking this Council?"

President Lieb said, "I don't believe Mr. Gobel said, "I don't think we are going to win anything out of it." President Lieb said, "That was not his statement. He said quite a bit there and maybe you taped him to hear and repeat everything he is saying and what he did not say." Mr. Wenzel said, "What did he say?" President Lieb said I cannot quote everything he said." Mr. Wenzel said I can quote that; he said, "No matter how the Judge rules in this case, and there were other people there, the Mayor was there, that no matter

how the Judge rules, Chief Butelli will keep his job." Mr. Wenzel said, "That is what he said." Mr. Wenzel said that he said what the issue was, number one, when Council gave Butelli that contract they did not advertise it and they didn't put an end date. It doesn't matter at this point. He's got the job, he's done the work, and they denied him four-year pay raises. Where does it end." President Lieb said there are several legalities there. Mr. Wenzel said give me one. President Lieb said that's one you just said it. Mr. Wenzel said that is Civil Service.

Solicitor Xides said, "The contract is, by its own terms, lasts as long as he is employed; so the argument is: It is a perpetual contract that is what is being litigated." Mr. Wenzel said, "Right, and as a retired past civil servant myself, I was hired with a perpetual contract. The only way they could get rid of me was some type of indiscretion, fighting on the job, stealing, and all the things you would fire anybody from a normal job; otherwise, it was a job for life. The only thing we negotiated was working conditions, wages and benefits."

Solicitor Xides said the wages and benefits were logged in for life. Mr. Wenzel said, "Right and eventually if you did put something in there, he would be making about half of what his police force would make. In any setting that you go to, any company, any corporation, any business, the guy in charge makes more money than the people he supervises. That is why that was put in there. It was a modest...Mr. Wenzel said I am done."

Mr. Wenzel said he wants to make a motion right now that we resolve ourselves of this ridiculous law suit and move on. Is there a second? President Lieb said there is no motion Mr. Wenzel. Mr. Wenzel said why not? Why can't I make a motion? President Lieb said, "I think you attempted to do this before several times. This is a personnel issue." Mr. Wenzel said it is a law suit. President Lieb said, "It has been there for almost four (4) years, it was voted on 7-0 to send to court almost four (4) years ago. Right now you want to reach a resolution by the end of the month." Mr. Wenzel said, "It couldn't have been, I was on Council, President Lieb said I said, "Almost four (4) years ago." Mr. Wenzel said, "I was on Council almost four (4) years ago." President Lieb said, "You voted for it, the contract." Mr. Wenzel said I voted for the contract (At this time, several people were speaking) President Lieb said, "You voted for a perpetual contract that did not have an ending date on it. Yes you did. The next Council voted 7-0 to send it to court, that's where it's been." Mr. Wenzel said, "Some of those Councilmen voted 7-0 for it; they were for it before they were against. How many times have we heard that."

President Lieb said are you done with your comment Mr. Wenzel? Mr. Wenzel said thank God it is September, I am done.

Ms Boyko commented, in addition to what Mr. Wenzel said, there are isolated items on the invoice that really run up the tab, including drawing resolutions to appoint a delegate

to the Tax Committee. Mr. Wenzel questioned how much was that? Ms Boyko said \$200.00. Ms Boyko said another is to appoint a Fire Code Official, the fee was \$925.00. There are a lot of things here and the key one is the one Mr. Wenzel brought up. When you start totaling the charges, I question some of the people that got cited and were Subpoenaed; they weren't in office and how these particular people got involved. But needless to say, there are small fees; but when you start to add them up the bottom line is over \$12,000. This is above average for a lot of the months that we have had; this is a large chunk of our Borough money. Mr. Wenzel said \$12,000 is all lot of money and I have to agree with you on that. Mr. Wenzel said the only thing that we got that was reduced, actually, he reviewed an email and the Agenda for the last Council meeting, which is like three (3) pages and he charged us \$50.00 to look at this; not a lot of money, but this is ridiculous; this is an affront to our good sense, I'm fed up with it; \$60,000 to make a point. Good.

Ms Boyko continued:

- f. Consider August 2009 Payment of Remaining Bills from the General Fund
- g. Consider Payment of August 2009 invoices over \$5,000 from the Sanitary Sewer Fund.
- h. Consider August 2009 Payment of Remaining Bills from the Sanitary Sewer Fund.
- i. Consider August 2009 Payment of Remaining Bills from the General Obligation Bond Fund.
- j. Consider Payment of August 2009 invoices over \$5,000 from the Capital Improvement Fund.
- k. Consider the August 2009 Payment of Remaining Bills from the Capital Improvement Fund.
- l. Consider Payment of August 2009 invoices over \$5,000 from the DCNR Grant Fund.
- m. Consider the August 2009 Payment of Remaining Bills from the DCNR Grant Fund.
- n. Consider the August 2009 Payment of Bills from the Non-Uniform Pension Fund.
- o. Authorize the August 2009 Payment of Bills from the Police Pension Fund.
- p. Consider Renewal of Software Maintenance Agreement with ProSoft Technologies associated with Real Estate Tax Module, Budgetary Accounting Module, Payroll Systems Model and Personnel System Module.

Ms Boyko said the next is an action item.

M-1 Motion by Ms Boyko, seconded by Mrs. Schade and duly carried that Council accept and approve the 2010 Brentwood Borough Budget Schedule as submitted. ALL AYES.

9. Public Works Committee – Mrs. Synborski stated the following will be considered at the Council meeting:

- a. Accept the Public Works Supervisor's monthly report.

Mrs. Synborski stated the next is an action item.

M-2 Motion by Mrs. Synborski, seconded by Mrs. Schade and duly carried that Council approve the Work Authorization from Gateway Engineers for additional services associated with Construction Administration and Inspection Services for the Brentwood Stairways Replacement Project in the not to exceed amount of \$20,000. ALL AYES.

10. Zoning and Ordinance Committee – In the absence of Mr. Richards, Mrs. Synborski stated the following will be considered at the Council meeting:

- a. Accept the Building Inspector's monthly report.
- b. FYI – No Planning Commission meeting in September.
- c. FYI – The Zoning Hearing Board meeting will be held on September 23, 2009 at 8:00 P.M.

11. Park and Recreation Committee – Mrs. Schade stated the following will be considered at the Council meeting:

- a. FYI – Brentwood Park Initiative Updates.
 - iii. Brentwood Park Initiative monthly meeting is scheduled for Wednesday, September 9, 2009 at 8:00 P.M. at the Community Room.
- b. Request from Mrs. Lorraine Russ on the Preparation work at Civic Center prior to the Mural being painted.
- c. Request from the Brentwood 4th of July Committee for the use of the Community Room for their monthly meetings beginning September 14, 2009 through January 11, 2010.

Mayor Lockhart stated he has received several complaints regarding kids playing football in the parking lot and vehicles parking on the yellow line. I don't believe anybody has requested permission to park there near the fire hydrant. Mayor Lockhart said he is requesting the Brentwood Dukes be notified that they are not permitted to park at the yellow lines or park illegally in the area.

Mrs. Synborski stated she talked with Mike Hubsch of the Dukes about one incident and recommended that someone call Mr. Hubsch to talk to him. Mayor Lockhart said a letter will be sent to Mr. Hubsch.

12. Public Safety Committee – Mr. Bender stated the following will be considered at the Council meeting:

- a. Accept the Police Chief's monthly report.
- b. Consider Renewing Maintenance and Support Agreement with Motorola for the Premier MDC associated with the Police Department Radios. This agreement

is for the four (4) client licenses for the Police Department computers at a cost of \$331.00 for the one year period from November 1, 2009 through October 31, 2010.

13. Special Committees

- **ACBA** – Mrs. Synborski said no report.
- **BBOA** – President Lieb stated the Annual October Fest will be held on October 1, 2009 from 5:00 P.M to 8:00 P.M. in the Sankey Avenue area on Brownsville Road. There will be live entertainment and good food by local vendors.

President Lieb stated the Route 51 Golf Outing will be on September 21, 2009 at the South Hills Country Club with the proceeds to benefit the Brentwood Redevelopment Projects initiated by the Brentwood, Baldwin Whitehall Chamber of Commerce, the Brentwood Business Owners Association and the Economic Development South on behalf of the commercial development interests of the Boroughs of Baldwin, Brentwood and the Borough of Whitehall.

- **EDS** – Mrs. Schade said no report.
- **LIBRARY BOARD** – Mrs. Schade said no report.
- **SHACOG** – Mr. Wenzel said no report.
- **WATERSHED** – Ms Boyko said the Watershed will meet this week. The Route 51 Corridor will meet with other communities along with the Council, the Planning Commission Board and the Zoning Hearing Boards at their first meeting on October 8, 2009 at Baldwin High School regarding the Multi-Municipal Comprehensive Plan.

14. **Old Business** – None.

15. **New Business** –None.

16. **Public comment.** Please try to limit remarks to 3 minutes.

a. Pat Carnevale, Shadewell Avenue, came before Council regarding the following:

The \$1,000 Payment to the BBOA. Mr. Carnevale said the vote was taken, it was a tie vote. The vote had to be broken. Was the vote every broken?

President Lieb said there was no answer. There was nothing done. There was no special meeting. Mr. Carnevale said there had to be a special meeting within 10 days or 14 days. The Solicitor had made that ruling at that meeting, it had to be done.

Manager Zboyovsky said when I informed the BBOA of the vote, they decided to withdraw the request. A discussion ensued.

Mr. Carnevale continued:

Mr. Carnevale questioned who gave the Brentwood Dukes the right to open the concession stand? There was never a resolution signed.

Mrs. Synborski said they have been doing it for years. Mr. Carnevale said I don't care if they have been doing it for years. Mrs. Synborski said did you check on this? Mr. Carnevale questioned where is the Resolution? None was signed for this year.

Manager Zboyovsky stated Mr. Carnevale can call him and request the information and he will address it. (At this time, several people were speaking at the same time).

Mr. Carnevale stated he attended the Zoning Hearing Board meeting and said \$22,000 was spent in one month and brought in only \$3,000 per month. How do they do it? Mr. Carnevale referred to an article in the South Hills Record regarding a Group Home in Bethel Park.

Solicitor Xides said, "I want to make a couple of comments in response to that. The issue is whether it is an institutional home because there are more than two people staying at the property for more than 24 hours. Having said that, the Board, I thought, gave a lot of latitude and asked questions about the operation. I did somewhat to. I heard they weren't getting funded very much by the residents. They were being funded by the federal government." A discussion ensued regarding the Solicitor for the Zoning Hearing Board conducting the meeting, etc.

b. Herb Sill, Bauman Avenue, came before Council regarding the removal of signs on telephone poles advertising garage sales, entertainment, etc. Mr. Sill stated at the corner of Route 51 and Brownsville Road, there is a wooden pole with three signs posted; a complete eyesore. Mr. Sill requested the signs on poles be removed throughout the Borough.

Manager Zboyovsky stated we are making calls to the advertisers informing them the signs are to be removed.

Mr. Sill continued:

Mr. Sill said when the Brentwood Towne Square was built the bus stops were strategically placed for convenience and safety; however, the passengers get off the bus and walk down along Giant Eagle Drive, where there is no sidewalk. Mr. Sill stated this is unsafe and some vehicles park in that area which poses a danger to other drivers and pedestrians. Mr. Sill suggested a sign be posted that pedestrians are to cross and use the sidewalk and that drivers are not permitted to park their vehicles there and wait. Mr. Sill stated that is private property; however, it poses a dangerous situation.

President Lieb stated he will notify the owners of the Brentwood Towne Square regarding this safety issue.

Mr. Sill continued:

Mr. Sill stated after school and in the evening the kids are using their skateboards all through the shopping complex in the area of pedestrians.

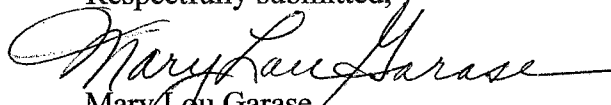
President Lieb suggested a call be placed to the owners of the property and inform them of the activity going on at their property.

Mr. Costa said he spoke with the maintenance department at the Brentwood Towne Square and they are aware of the situation.

Mayor Lockhart said he will speak to the Police Chief about patrolling the loitering in the area.

M-3 Motion by Mr. Wenzel, seconded by Mrs. Synborski and duly carried to adjourn the meeting at 8:05 P.M. ALL AYES.

Respectfully submitted,



Mary Lou Garase
Administrative Assistant

Mlg

September 8, 2009 Agenda Mtg. Minutes