

**BOROUGH OF BRENTWOOD
MINUTES OF THE AGENDA MEETING
TUESDAY, NOVEMBER 10, 2009**

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

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 7:36 P.M. on Tuesday, November 10, 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, Mr. Mario Richards, Mr. Richard Bender, Ms Janice Boyko, Mrs. Ann Schade, Mrs. Dawn Synborski and Mr. David Wenzel.

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

President Lieb, at this time, requested a Moment of Silence in honor of Veteran's Day tomorrow, specifically for the individuals that tragically lost their lives and those injured today at Fort Hood.

President Lieb stated Council will take action on two items this evening:

1. Item No. 8.v: To consider authorization for Councilmember Elects to attend the Local Government Academy Newly Elected Official's Full Course at a cost of \$450.00 per person.
2. Item No. 11.c: To consider Change Order No. 1. Co. Stock Construction Services, Inc. associated with the Brentwood Library ADA Interior Renovations Project to include renovations to the restroom doors in the amount of \$8,986.00.

President Lieb reviewed the procedures for conducting a Council meeting. For those that wish to speak this evening, prior to addressing Council, please state your name, address and the organization that you are representing. Please state the Agenda item and the number that you wish to comment on. The speaker may speak only once and will be advised when three (3) minutes have expired, that is three (3) minute total, not for each item. All remarks are to be addressed to Council as a Body and not to any member thereof. The speaker shall observe the common rules of courtesy and dignity. Interested parties with their representatives may address the Council by written communication or to Borough Manager Mr. Zboyovsky.

President Lieb stated at the end of the Council meeting, public comment will be addressed on other issues of Brentwood Borough.

4. Public comments on Agenda items only!

- a. Herb Sill, Bauman Ave., came before Council regarding the following:
 - Item No. 8.t: Consider purchase of new copier from Ricoh in the estimated amount of \$3,500. Mr. Sill questioned if it went out for bid? Manager Zboyovsky said no, it was under \$5,000. We are actually buying out the lease on the current copier, instead of getting a new one. We are purchasing a used copier, with upgrades of color and speed. Manager Zboyovsky said a brand new copier is very expensive \$12,000 vs. \$3,500.
- b. Pat Carnevale, Shadewell Ave., came before Council regarding the following:
 - Item No. 8.p: Consider Resolution No. 2009-23 – 2010 Non-Union/Non-Contractual Salaries. Mr. Carnevale questioned if all the people were evaluated. Mr. Carnevale questioned who evaluated Manager Zboyovsky? President Lieb said the Manager was evaluated by all of Council.
 - Item No. 8.v Consider authorization for Councilmember Elects to attend LGA Newly Elected Official's Full Course at a cost of \$450.00. Mr. Carnevale questioned when the course begins? Ms Boyko stated the classes begin next week. Mr. Carnevale stated the newly elected Council should not be going; they are not in office yet.
 - Item No. 12.c Consider the Preparation and Advertising of Ordinance No. 2009-1182. Mr. Wenzel stated we don't have an ordinance in place which tells the pawnbrokers when they buy items they have to get positive identification, such as drivers license, a picture identification, so if there is someone coming in selling something stolen, you have their drivers' license. Mayor Lockhart said we didn't have an ordinance on pawnbrokers in Brentwood, there are ordinances and laws they have to follow under the pawnbroker license; but we had to establish something here. That is what this ordinance is for. There is also a sheet on what they have to give a description of the item, how much they paid for it, and who they got it from. They are to give it to the police department every so often so if there is a break-in the police would have the sheet to refer to.

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 – Mayor Lockhart reported on the following:

- The United States Army sponsored an assembly at St. Sylvester's School today and the children collected 18 boxes of items donated to Brentwood Cares.
- Baldwin United Community Church had a movie "Take a Chance" about a soldier coming home after serving his country. Also, items were donated to Brentwood Cares and to Military Connections of Whitehall Borough.
- On Saturday we will be packing the boxes for Brentwood Cares; possibly two regular boxes and one Christmas box which includes a Christmas tree and decorations. We will continue this as long as we can. Tomorrow is Veterans Day, when you see a veteran please thank them for their military service.

8. Administrative and Finance Committee – Ms Janice Boyko stated at the next meeting we will consider the following:

- a. Approve the Minutes of the September 22, 2009 Council Meeting.
- b. Approve the Minutes of the October 13, 2009 Agenda 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 November 2009 invoices over \$5,000 from the General Fund.

Mr. Wenzel said, "I want to discuss the Solicitor bill from last month, which is almost \$12,000. Again we are paying him \$725.00 to research the application for retail liquor that is going into Giant Eagle. For those of you that don't know, the Giant Eagle is getting a Liquor License to dispense beer at their restaurant. We are paying our Solicitor; he wants us to pay \$725.00, to see if that is okay. The State Liquor Board is involved in that. That is between the attorneys for Giant Eagle and the State Liquor Board. Brentwood Borough has nothing to do with that other than having a store in our Borough. This is ludicrous."

Solicitor Xides said, "I was sent a package of all the documents related to that and asked to research exactly what obligations the Borough did have. I did find that it was it is my understanding, that in some situations, not in this one, in some situations some Boroughs do have some responsibility; there was a deadline for interested parties who were against this to state their case. I stated that at the public meeting. That was the only public notice of that."

Ms Boyko said "I think what Mr. Wenzel and I are pointing out this is entirely with the LCB and this was pointed out to us by the other Solicitor, it is a transfer of a license from another business within the shopping center. It doesn't involve a lot of work."

Mr. Wenzel said, "It is a transfer of about 500' from one restaurant to their establishment. I don't know why we have to pay that kind of money out, because he gave us no information again, in his invoice on what work he did or whoever did it. Gobel is billing

us and you're telling us you did the work. Then there is another one in here, Reliance Insurance has come up again, I don't think we should have to pay that \$212.00 if something came in, No matter how that is settled you are going to make more than we are."

Solicitor Xides stated, "There was a letter that came in that the Borough Manager relayed to me and the letter was phrased in terms of a warning that certain action had to be taken within certain times. Manager Zboyovsky asked me, I think he emailed me, I may still have the email, is this anything we need to respond to? My initial reaction was no. But given the tone of the letter, to make sure that that the Borough did suffer no loss, considering the Borough has \$21,000 claim in this matter, we checked with Reliance to make sure that there was no action taken; and, in fact, there wasn't."

Mr. Wenzel said, "Right below that, we are still dealing with the law suit, daily review of docket entry on Allegheny County Department of Court Records or website. Why are we interested in that? The judge made a ruling, we are suppose to go with the settlement of the ruling, I don't want to put too much out here, but there is no reason why we are have to pay \$2,000, we don't know what he did. All we got here is he reviewed a file memorandum, for four days, he did the same file memorandum, two other days, he did it again. There is no rhyme or reason to this. I don't think we have to pay that kind of money out. This is over, when does this stop?"

Solicitor Xides said, "You have to ask Mr. Gobel on that. One thing I can say is sometimes there is a delay from the time of the judges' decision to when the judges' decision becomes an enforceable judgment. He may have been checking the docket to see when and if that was true."

Mr. Wenzel said, "What I read, the copy that I have, it is over and done with. We are supposed to make settlement and move on. As I have said for the last 22 months, I am very unhappy with the way our Solicitors have been billing us and I will say for another three meetings."

Ms Boyko said there were other ones there, the Heart and Lung Hearing, which was very brief, for 16 hours and over \$2,000.

Mr. Wenzel said, "That is more the attorney we hired charged us. I'll bet you any kind of money."

Ms Boyko said, "That is part of the bills, we will be bringing those up for a vote at the next meeting."

Ms Boyko continued:

- f. Consider November 2009 Payment of Remaining Bills from the General Fund.
- g. Consider payment of November 2009 invoices over \$5,000 from the Sanitary

- Sewer Fund.
- h. Consider November 2009 Payment of Remaining Bills from the Sanitary Sewer Fund.
 - i. Consider November 2009 Payment of Remaining Bills from the General Obligation Bond Fund.
 - j. Consider payment of November 2009 invoices over \$5,000 from the Capital Improvement Fund.
 - k. Consider November 2009 Payment of Remaining Bills from the Capital Improvement Fund.
 - l. Consider payment of November 2009 invoices over \$5,000 from the DCNR Grant Fund.
 - m. Consider November Payment of Remaining Bills from the DCNR Grant Fund.
 - n. Consider November 2009 Payment of Bills from the Non-Uniform Pension Fund.
 - o. Authorize November 2009 Payment of Bills from the Police Pension Fund.
 - p. Consider Resolution No. 2009-23-2010 Non-Union/Non-Contractual Salaries.
 - q. Consider Resolution No. 2009-24- Proposed 2010 Brentwood Borough Budget.
 - r. Official Notice Borough of Brentwood Council 2010 Budget Workshop No. 2.
The second workshop will focus primarily on the Sanitary, Highway Aid, and Capital Improvements Funds of the Proposed 2010 Budget. This workshop has been scheduled for Wednesday, November 18, 2009, at 6:00 P.M. in Council Chambers.
 - s. Consider Maintenance Agreement with Ricoh Business for copy machine at a rate of \$1,948.00 per year.
 - t. Consider purchasing new copier from Ricoh in the estimated amount of \$3,500.00.
 - u. Consider the Preparation and Advertising of Ordinance No. 2009-1181 – 2010 Tax Levy.
 - v. Consider authorization for Councilmember Elects to attend LGA Newly Elected Official's Full Course at a cost of \$450.00.

M-1 Motion by Ms Boyko, seconded by Mr. Bender and duly carried that Council authorize the Councilmember's Elect to attend the Local Government Academy Newly Elected Official's Full Course at a cost of \$450.00 per person. As a past graduate, I find this a worth while program and would like to see these members attend.

Mr. Wenzel said, "I would like to change that to include those who haven't been to that Academy the LGA, it's a great Academy, they give you about a 5-6 week course. When you come out of it, you have a real good general idea how Borough business is run, municipal government. I would suggest that the newly elected, plus those of us that haven't been there, join in that and I would like that to reflect that. Could you adjust that motion to reflect that; please."

Ms Boyko said, "It cost \$450.00 per person; so, at the most would be four (4) people. Right? Because Mr. Wenzel, Mr. Richards and I already attended." Mr. Wenzel said, "It would be the three (3) newly elected individuals and Mrs. Schade." Mrs. Schade said she went with Jay Lieb about four (4) years ago." President Lieb said, "If it wasn't this course, it was the course that they offered at that time." Mr. Wenzel said, "I think it was a one day course." President Lieb said for the record, "The LGA is the Local Government Academy. President Lieb requested Ms Boyko state the names of the three newly elected people that will be attending the Academy. Ms Boyko said, Mr. Clyde Zimmerman, Mrs. Cathy Trexler and Mr. Charlie Johnson, I believe all three have applied."

At this time, President Lieb said, "There is a second on the motion; Mr. Wenzel's question was answered; Mrs. Schade you are declining to go." Mrs. Schade said, "I already went." President Lieb said, "That is fine." President Lieb said, "The motion stands."

Mr. Wenzel said, "I would like to clarify something for Mrs. Schade. This is way more involved than the two-day course that you had. I don't think the LGA recorded that as you being in attendance because it wasn't as intense." Ms Boyko said, "They were full days, eight (8) hour sessions." Mrs. Schade said, "I will think about it." Ms Boyko said think about it because the first session starts November 21, 2009.

Mayor Lockhart said, "As in the past, when this was brought up to pay for the attendees to pay for this class, it was that the Borough would pick the tab up; if you did not get your certificate, you must pay the money back to the Borough. I want to see, and I am not saying that these guys won't do it. In the past it was that way and I would like to see it stay that way throughout the whole time. If you don't finish that course, because I think we had somebody not finish the course, and you pay out the \$450.00 fail the course and not get the certificate; then the money must be given back to the Borough."

Mrs. Schade stated, "It was that you paid for the course, attended and got your certificate, only then you get reimbursed by the Borough." At this time, several individuals were speaking at the same time.

President Lieb requested Ms Boyko to amend the motion.

Motion by Ms Boyko, seconded by Mr. Bender and duly carried that Council authorize payment for Council members to attend the Local Government Academy, Newly Elected Full-Course at \$450.00 per person,. If attendance is not completed, that Council member elect will have to reimburse the Borough back.

President Lieb called for a vote. ALL AYES. President Lieb said, "Motion carried."

At this time, Mr. Carnevale, a resident in the audience, began to speak. President Lieb stated you are Out of Order.

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.
- b. Consider Addendum to Safe Routes to School Grant – Stairway Replacement Project Work Authorization by Gateway Engineers in the not-to exceed amount of \$10,000.00
- c. A reminder that Leaf Collections will continue through the first week of December.

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 November or December.
- c. FYI – No Zoning Hearing Board meeting in November or December.

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

- a. FYI – Park Initiative Meeting on Thursday, November 13, 2009 at 7:00 P.M. in the Community Room.
- b. Consider request for Civic Center for Stacy Farrier for fundraiser for Prader-Willi Syndrome Association, waive the fee.
- c. Consider Change Order No. 1, by Co. Stock Construction Services, Inc. associated with the Brentwood Library ADA Interior Renovations Project to include renovations to the restroom doors in the amount of \$8,986.00. Mrs. Schade stated this is an action item.

M-2 Motion by Mrs. Schade, seconded by Mrs. Synborski and duly carried that Council approve Change Order No. 1, by Co. Stock Construction Services, Inc. associated with the Brentwood Library ADA Interior Renovation Project to include renovations to the restroom doors in the amount of \$8,986.00.

Mr. Wenzel questioned if this is the issue that was discussed last month regarding the widening of the doors? Mrs. Schade said yes.

President Lieb called for a vote. ALL AYES. President Lieb said, “Motion carried.”

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 the renewal of Mr. Magic Car Wash contract for the police vehicles.
- c. Consider the Preparation and Advertising of Ordinance No. 2009-1182, Pawnbrokers, Dealers in Precious Metals, Secondhand Dealers and Antique

Dealers.

- d. Consider hiring Candidate No. 1, as recommended by the Brentwood Borough Civil Service Commission for the position of Brentwood Police Officer.
- e. Consider hiring Candidate No. 2, as recommended by the Brentwood Borough Civil Service Commission for the position of Brentwood Police Officer.

13. Special Committees –

- **ACBA** – Mrs. Synborski stated the next meeting/banquet will be on December 3, 2009.
- **BBOA** – President Lieb stated Light-up-Night will be celebrated on November 17, 2009 at Brentwood Towne Square.
- **EDS** – Mrs. Schade stated no report.
- **LIBRARY BOARD** – Mrs. Schade stated no report.
- **SHACOG** – Mr. Wenzel said no report.

Mrs. Synborski questioned Mr. Wenzel if he attends the SHACOG meetings? Mr. Wenzel said, no. Mr. Wenzel said we get the information from SHACOG and it is in our monthly packets. I get the same information that you get. Mr. Synborski said you didn't take a committee and you accepted SHACOG and don't go to the meeting. Mr. Wenzel said I asked the alternate to go once or twice and he didn't do it. I had another commitment on Thursday, I'm sorry I couldn't do it. I plan on going next week; but, I can't say I will have a report. Is that alright?

President Lieb questioned Mr. Wenzel if he asked Mr. Bender to go? Mr. Wenzel said I asked Mr. Zboyovsky to ask Mr. Bender to go and he never went. President Lieb said, "I know I went one time for you. I don't recall being asked any other time. Mr. Wenzel said I'll ask this time if I am not up to it." President Lieb said that is fine.

- **WATERSHED** – Ms Boyko said no report.
- **RT. 51 CORRIDOR** – Ms Boyko said no report.

14. Old Business – None.

15. New Business – None.

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

a. Tammy Donnelly, 256 Wainwright Ave., stated she came before Council regarding, "A letter she received in the mail to kick my son out of the house, because he is not my biological son. Does anybody know about that? Did it go through Council? President Lieb said I have a copy of the letter that wasn't sent to you but it went to the owner of the residence." Mrs. Donnelly said, "That is my sister-in-law." President Lieb said, "The letter was sent to her and I will have the Solicitor comment further."

Solicitor Xides stated, "I want to make sure we are talking about the same letter. The Zoning Officer discussed this matter with me and it is my understanding that the Zoning Officer issued a violation letter for this property because of occupancy by other than the family members. He got a response that should not apply because someone was caring for somebody else. Ralph asked me if that was the case, I said no and I issued a letter clarifying that. That is all the letter does."

Ms Donnelly questioned, "Where is the petition that I am running a half-way house? That is what I heard." Solicitor Xides said, "I have no information on that and there is no reference to that in the letter." Ms Donnelly said, "Not in the letter." Ms Boyko said, "We have a copy of that when we were in Executive Session. It has 27 signatures." Ms Donnelly questioned, "If she could see that? Do I have the right to see a petition against me?" Solicitor Xides said, "The best way to handle that is to request that under the Sunshine Act; normally documents aren't copied in the middle of a meeting. My gut reaction is the Borough should not have a problem with that, assuming that it was furnished to the Borough. Was this ever filed with the Borough? It probably should not be a problem." Ms Donnelly said, "To get a copy of that?" President Lieb said, "Right, put a written request in per the Sunshine Act and give it to Mr. Zboyovsky, within a certain period of time, he knows the time, and he will be happy to furnish you that information." Ms Donnelly said, "I was just amazed by this letter for me to kick my son out of my house, he has been with me for 11 years; and, the Borough knew he was with me because the Borough granted me a handicap parking space." President Lieb said, "I don't know, as I said, you can have a copy of the petition. What we have here is, you said, you referred to him as your son, he has been with you for 11 years." Ms Donnelly said, "Yes." Ms Donnelly questioned, "Are there 27 signatures on that?" President Lieb said, "That is the petition that you asked about. We have a statement from 2001, which is only 8 years ago, that you were going to be a care-giver for a young person, no need for me to say the name publicly. But that was only 8 years ago." Ms Donnelly said, "Bill has been in my life for 11 years. He has been with me since his father and mother passed away." President Lieb said, "I have that here. As the Solicitor said if you want a copy of the petition, he can give that to you, present a written request to Mr. Zboyovsky." Ms Donnelly said, "I do, I do want a copy."

President Lieb said, "Let me ask the Solicitor a question. Does this go to this lady or to the owner of the residence, since you sent the letter to the owner of the residence?" Solicitor Xides said, "I am not sure I understand the question?" President Lieb said, "She is requesting a copy of this for that address." Solicitor Xides said, "I think any resident can request a copy of any public document."

At this time, a gentleman in the audience said, "Excuse me Solicitor that is my sister, she is sick, in bed, in Beaver County, she gave me permission to speak on her behalf. We have Power of Attorney for Mr. Bill Hatzidakis that has been with us for 11 years; in fact, it's from your office. He has no father, he has no mother, he has no where to go." Solicitor Xides questioned "Have you adopted him?" The gentleman said, "We can not

legally adopt him. Ms Donnelly said, "He is going to be 27 on the 19th." We cannot adopt him. They will not legally let us adopt him." Solicitor Xides said, "I don't want to debate this; but that is not my understanding of the law." Ms Donnelly said, "You know what, I can go pack his bag and Mr. Lieb can take him home and care for him then." President Lieb said to the gentleman, "Can you state your name for the record?" The gentleman said, "My name is John Donnelly, I live at 256 Wainwright Avenue." President Lieb said, "If you would like a copy of what Mr. Xides has you can submit a written request to Mr. Zboyovsky and he will be happy to give it to you."

Mr. Donnelly said, "Mr. Solicitor would like to meet the young man?" Ms Donnelly said, "That you are kicking out of my house that is such a trouble; wait, I will go get him for you. You don't even know he is there." Solicitor Xides said, "No it was not sent to him." President Lieb said, "Thank you." Mr. Donnelly said, "I just want you to see how severely handicap this child is and you want to boot him out of the house that he has been living in for 11 years or 10 years." President Lieb said, "Are there any other questions?"

- b. Pam Balkovec, East Garden Rd., came before Council regarding the following:
- Post "No Hunting" signs in the Hollow. Ms Balkovec said I was doing yard work today around 1:00 P.M. the Hollow is by my backyard, I heard a lot of leaves rustling around. I looked and I saw a deer; and, I also saw somebody dressed in orange. So I am assuming it might be a hunter. I was wondering if we can get the hollow posted as "No Hunting" because the houses are so close. I know it is a safety issue, I know the PA Game Commission says they have to be 50 yards form a house if they are doing bow and arrow. But there are kids that cut through the hollow from the other side coming from school. On the weekends they are there on their four-wheelers and their bikes, so I think it deserves consideration.

President Lieb requested Chief Butelli comment on this. Chief Butelli said PA law supersedes the Borough law. Chief Butelli said if this is private property and it is properly posted they are not allowed to hunt there.

President Lieb requested that we have that posted and the residents post their own property. Ms Balkovec said she spoke with neighbors this evening and they were totally appalled that somebody was back there hunting. They said that is totally unacceptable. Mr. Wenzel questioned who owns the property? Ms Balkovec said the deer was on her property, but the property drops back. Mr. Wenzel said whose property is back from your property? Ms Balkovec said I believe it is the Boroughs.

Manager Zboyovsky said when Councilman Bender called me this afternoon about this issue and I looked at the Borough map; the acreage of vacant property, it looks as though the Borough does own it. I instructed the public works to order "No Hunting" and "No Trespassing" signs. I want to make sure all the areas are posted. A discussion ensued.

Mayor Lockhart said you cannot discharge a firearm in Brentwood. A discussion ensued regarding the areas where firearms and bow and arrows are permitted.

- b. Pat Carnevale, Shadewell Ave., came before Council regarding the following:
- Study of the Borough Building – Manager Zboyovsky stated he is currently working on the Request For Proposals. (RFP)
 - Liquor License for the Giant Eagle. A discussion ensued regarding the difference between a bar and a restaurant.
 - Street Sweeper. Manager Zboyovsky stated he is working on the budget and we are applying for a Grant to share the street sweeper with another municipality. A discussion ensued regarding the vehicle being shared with other municipalities and the costs for repair.

At this time, Mr. Wenzel said he would like to comment: “Listening to the Donnelly’s speaking their peace; I want to know I wasn’t aware of a lot of this stuff that was going on. Especially the letter of Mr. Xides going to them dated November 5, 2009 and the other letters. I think Council should be brought up to speed on this because of the sensitivity of the issue. Is this going to stop or is there another pursuit to this is my question?”

President Lieb said, “As we discussed this will be handled by Mr. Xides. The whole situation will be handled as discussed earlier in Executive Session.” Mr. Wenzel said, “It is now out of Executive Session now; they made it a public discussion.” Mr. President Lieb said, “I think it should be handled with him, it shouldn’t be a problem, and he can handle it.” Mr. Wenzel said, “We are not trying to remove their son from their house, I hope not.” President Lieb said, “That is not what the letter said.” Mr. Wenzel said, “I don’t know, I didn’t get the same letter as you.” Solicitor Xides said, “The letter does not name anyone.” Mr. Wenzel said, “I think it is the way it is worded. We can’t possibly pursue this I am sure you are not the only family in Brentwood that is in that circumstance that is caring for someone. There are people that have foster children that come in and out, you don’t know if two guys or two women decide to get an apartment together, do they have to be related, of course not.”

President Lieb said, “When it is more than one, according to Mr. Xides, this all prompted when it was during the Group Home (At this time, several people were speaking at the same time) Mr. Wenzel said, “There are four people by the name of Donnelly that live there and one, Bill. That is all that lives there and nobody else.” President Lieb said, “That is what Mr. Costa went to find out according to Mr. Xides. Again, this started down in Colonial Park, Mr. Costa was brought to challenge, I should say brought to task, on some issues and at this time he is doing his job. Right now it is with him and Mr. Xides as far as pursuing this, whether it is going to the Zoning Commission or District Judge Bova; that is where it is right now. Mr. Xides can clarify that letter, and he just did, I believe.”

Ms Boyko said, "I have a question and a comment. Is this hearsay that there was a 30-day notice about this being rectified?" Ms Donnelly said, "No, a 30-day notice to kick him out." Ms Boyko said, "Alright." Mr. Wenzel said, "We never got that." (At this time, several people were speaking at one time.)

President Lieb said to direct your questions up here. If you want to talk to them, that's fine, then come up again. You can't direct your questions, your information is on Mr. Xides letter. Excuse me, you are Out of Order." Ms Boyko said, "I can talk to them after the meeting. I thought it would be good to be out in the open." Mr. Wenzel said, "I have a question. Why didn't we get the letter she got?" President Lieb said, "I got the same letter you have. I am sure Ralph sends out letters to people that we don't get all the time." Solicitor Xides said, "I think she is referring to the notice from the Zoning."

Mayor Lockhart said, "I have a comment. We discussed this before on getting this letter and getting the Code Enforcement Officer go in a house. I explained it to you in there. It is the same thing as the County coming in for reassessment on your house, to go into your house, if you don't want them to go into your house, you don't have to. Does that mean you are hiding something? No, it doesn't mean you are hiding something. So, according to the way you are pursuing this, because Mr. Costa couldn't get into the house, you are assuming, by the other neighbors, we went through this with the Fayette Resources, there is more than one person living in there. You are going by the one thing in 2001, another resident in there in 2001; correct me if I am wrong, this is 2009. Maybe in 2001 there was another person in there, we don't know that. You said you have 27 signatures that is not 27 homes that is the number of husbands and wives and everyone else. I don't know how many homes that are there. Just because you have a petition together you are going to force somebody legally or to do something legal against it. That means I can go down on my street tomorrow, get everyone of my neighbors to sign a petition and say this neighbor is doing something wrong; and, I bring this up to the Borough, we are going to pursue it, because of my word on It.? You know, we discussed this before, we have other homes that I know of that are taking of foster children. I told you in there, Mayview Hospital went through this and threw these people out into the street. Where do you want these people to go, into the street? No! This is why we have this Fayette down there. We are trying to take of these people that need to be taken care of. This is one of the steps. I thank you for taking care of these people, that you have the patience and are able to do that. Why do we punish someone for that? You have a letter that you are going by, 2001. Has anybody gone down there? Has anybody seen any tax records that somebody is still living in that house? According to the paperwork we have now, I am going by the paperwork we have here."

President Lieb said, "The papers I have in front of me is, I have the signatures of the 27 residents, they have their names and addresses, I did not count the homes, I also have two sets of documents that state there are two sets of residents that live there. I am not going

to give their names publicly; I have their names. I believe that this is the packet prepared for us by Manager Zboyovsky through Mr. Costa. I believe he was basing on that. If you remember, as I said, when Colonial Park took place, I said Mr. Costa was called to task. So at this time, I don't have a problem with what he did, and I don't have a problem with them carrying it further to either the Zoning Board or District Justice Bova; and, if Mr. Xides can clarify the letter, that is fine also. You just can't let things go on and on when they supply documentation. They didn't just say that they have documentation to support that." Mayor Lockhart said, "This has been going on with this family for more than this year from the Fayette Resources. I remember being on it from other things and other issues being brought up in the family. One of the other issues, they just did, there are other sidewalks in Brentwood, so we had to start at their house; in particular, to get their sidewalk fixed. You go throughout this Borough, on any street there are a lot of sidewalks along Brownsville Road that need to be repaired. To me, if I were the Donnelly's I would feel the same way; that I was being singled out. For what reason, I don't know, that is exactly what it seems to me. This has not just been going on since Fayette Resources, because I know a lot of other issues that were brought up on it." President Lieb said, "That is when this started, the petition started with Fayette Resources. Right here." Mayor Lockhart said, "This petition is good on this one here, maybe. But there are other issues going on at that household; that have been going on." President Lieb said, "This petition has been going on since Fayette Resources."

Mr. Wenzel said, "It is funny there is a signature on here of somebody that had a young man living with him 40 years his junior. That seems like why didn't you get a petition about that?" President Lieb said, "I didn't get the petition. I have --- At this time Mr. Wenzel said, "I know you didn't have anything to do with this at all. I am just saying --- At this time President Lieb said, "My name is not on that." Mr. Wenzel said, "I understand that. But I am just saying, you know, people that live in glass houses shouldn't throw stones. If there were so many people down there, they didn't notice this other occurrence when everybody else did? That is bizarre to me. I want to know, because you know what is going to happen, next year will going to have a new Council and you're going to put this on us. I don't think so. What we are going to do from now until the end of the year spend money on attorneys to argue with these people about this, when I believe that is the only person outside their blood family living there." President Lieb said, "I think this should be handled through Mr. Costa, and the Zoning Board or District Judge Bova. That is my opinion." Mr. Wenzel said, "Why District Judge Bova doesn't make any sense to me." President Lieb said, "That is where it goes when there is a discrepancy. That is where Fayette Resources would have gone but they decided to go before the Zoning Board." Mr. Wenzel said, "Fayette Resources was a loser, we knew that from the beginning, even our Solicitor said that. He said it."

Solicitor Xides said, "Procedurally, so that everybody understands, if a notice of violation is not obeyed, the next procedural step would be to go to the Magistrate." Ms Boyko said, "Am I right we are not having a Zoning or Planning meeting in November or in December so this would go into next year." Solicitor Xides said, "Right, if it was

appealed, yes it would.” President Lieb said, “Let Mr. Xides and Mr. Costa do their job.” Mr. Wenzel said, “I rest my case.”

d. Pat Dirling, Edge Rd., came before Council and stated she lives about a block away from these people, I never saw them before, and I don't know these people. I want to know why my tax money is fighting these people. Mr. Wenzel said, “Good Question?” Ms Dirling said, “Am I right, my tax money? I didn't give the Borough permission to sue these people.” President Lieb said, “There is no law suit at this time. There is a letter sent out ---At this time, Ms Dirling said “Excuse me, why is my tax money fighting these people?” President Lieb said evidently, the Zoning Officer might have felt there was a violation, based on information given to him by the residents that live down there. I see people from your neck of the woods on there. So somebody else signed it. I know where you live, where you just said, and there are some people that live down by you that signed this. So I don't know. So it is based on, what they are saying here, it is all typed up and it says what they feel is there along with documentation to support it. That is what he acted on.” Ms Dirling said, “I'm gong on record, that I don't want my money going to this. I am sure I am not the only Borough resident.” I had to come to a meeting to hear this.” Mr. Wenzel said, “They sent out three letters, the landlord cooperated with our ordinance that was passed, the landlord notified the Borough and paid the \$10.00 registration fee and named all their tenants. It is all here. We take people for their word. Apparently, some people on this Council aren't going to take them for their word and pursue this of which I am not going to have any part of.” Ms Dirling said, “Not only that, Jay Lieb just said that they went to some of my neighbors. If you going to take up a petition, you go to house, to house, to house, you don't hit certain neighbors.” President Lieb said, “Maybe they did and you weren't home. I have no idea.” Ms Dirling said, “I have to tell you, I am retired and I am home.” President Lieb said, “I don't know when it took place Pat, I have the names and the addresses, the people are welcome to it.” Ms Dirling said, “I am going on record.” President Lieb said, “Thank you.”

M-3 Motion by Mrs. Synborski, seconded by Mr. Bender and duly carried to adjourn the meeting at 8:30 P.M. ALL AYES.

Respectfully submitted,

Mary Lou Garase
Administrative Assistant

Mlg

November 10, 2009 Agenda Meeting Minutes

