

**BOROUGH OF BRENTWOOD
MINUTES OF THE SPECIAL BUSINESS MEETING
OF BRENTWOOD COUNCIL
MONDAY, NOVEMBER 30, 2009**

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EXECUTIVE SESSISON: President Lieb stated personnel and contractual issues were discussed and no votes were taken.

1. Call to Order: The special meeting of the Council of the Borough of Brentwood was called to order by President Lieb at 7:30 P.M., on Monday, November 30, 2009 in Council Chambers.

2. Pledge of Allegiance was recited by all in attendance.

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

ALSO PRESENT: Mayor Kenneth E. Lockhart, Manager Zboyovsky and Solicitor George Gobel.

ABSENT: Councilman Mario Richards, Police Chief Robert Butelli, Public Works Supervisor Robert Mackewich, Building Inspector Ralph Costa and Administrative Assistant Mary Lou Garase.

Mr. Wenzel said, "Point of Order. Is the purpose of this meeting to discuss the items on the Agenda of the November 24, 2009 meeting? Solicitor Gobel said, Mr. Lieb can respond after I am finished, it is my understanding, (Mr. Wenzel began to speak)

At this time Mr. Wenzel said, "Before you go any further, I asked Mr. Lieb a question and I would like to have an answer; because if he is going to talk about the Agenda of the last Tuesdays meeting, at that meeting there was no quorum. The PA Borough Code specifically says, "If no quorum is present at a regular or adjourned meeting a majority of those who do meet, may agree upon another date for light business and may continue to so agree until that meeting is held." We did that, we met, there was a quorum of three (3), it wasn't a quorum, there were three members in attendance and we scheduled this meeting for the following Tuesday, as per an article in the Post Gazette that said, "Brentwood Borough's Council meeting last night was postponed until next Tuesday after four (4) Council members called off sick." We complied with the law of the land. Mr. Lieb scheduled a Special Meeting and didn't have the courtesy to ask anyone of us that was in attendance if it would be alright to reschedule for Monday. He just went ahead and did it. We have a member that is not here. Look around this room, everybody that gives a report is not here. How can you possibly, this is ridiculous. The Press outnumbers the other attendees of the meeting. I am embarrassed; I'll tell you right now, I am very embarrassed for Brentwood Borough Council because this is the best that we have. It's a shame that we have to go through this. It was this meeting for tomorrow night, was legally scheduled. He is going to make a motion that we cancel that meeting.

That doesn't make any sense. We just notified everybody that was in attendance at the last meeting to come to the meeting on the following Tuesday. Obviously they didn't hear about this meeting tonight. How many people read the paper on Thanksgiving weekend, on a Saturday? Not too many, obviously. There are football games, shopping, all kinds of activities; nobody is looking for legal notices to see when a Borough meeting is rescheduled. I find this the absolute worst I have seen. It does go on, I found out from calling around, it does go on when you have a lame duck Council, like we have here, that hasn't done anything all along, they haven't been progressive in this Borough. The last thing that they did for this Borough, now, we are possibly going to be sued by the ACLU for the persecution of that family down on Wainwright. It is absolutely ridiculous. That is all I have to say about this. If this is what I suspect, then I will not participate in this meeting."

President Lieb said, "Mr. Wenzel, let me attempt to answer you, now that you are done with your statement. First of all when you say you are embarrassed, you should be embarrassed, you should hide your face. You have had the worst attendance record on this Council. You missed more Council meetings than any one that I know up here." Mr. Wenzel said, "How many did I miss?" President Lieb said, "Several."

President Lieb requested Manager Zboyovsky to prepare an attendance sheet of the last two years for Council meetings and distribute to all members of Council. Mr. Wenzel said, "What's your point?" President Lieb said, "I am talking." Mr. Wenzel said, "You asked me a question, you made a statement to me and I am asking you, "What is your point?" President Lieb said, "I am talking. You missed more Council meetings than anybody that I know; but, that's okay, that's you. You're special. You want to put speaker phones in, again you're special." Mr. Wenzel said, "You could have attended the meeting, President Lieb said, "What meeting." Mr. Wenzel said, "Never mind."

Mr. Bender said, "Just a follow up, I am also embarrassed that the people that went to speak for me when I wasn't here and when I was sick. I think it's a total disaster that you have leaders up there that just speak out of turn when they don't know what they are talking about." President Lieb said, "That is correct." Mr. Bender said, "I wanted to get my two cents in." President Lieb said, "That is correct. I thank you."

President Lieb said before this Special Business Meeting was scheduled, I had Mr. Zboyovsky, I picked the date, call everyone on Council to see if they could be here. Ms Boyko said, excuse me, I got my call at 11 o'clock this morning. Mr. Wenzel said, "Yes, Mr. Lieb." Ms Boyko said, with all the absences going on. Manager Zboyovsky said, "When I spoke with Councilman Mr. Wenzel, you said you contacted everyone else. I was under the assumption that everyone on Council knew about the meeting" (Mr. Wenzel interrupted and said, "No, I didn't get a hold of Mario." Manager Zboyovsky continued and said that the meeting was to be held tonight. Mr. Wenzel said, "But, it is not my responsibility to do that." Manager Zboyovsky said, "No, it is not; but." Mr.

Wenzel interrupted and said, "Look around this room, we should never scheduled this meeting."

Ms Boyko said, "With this holiday going on people didn't get the notification on time. Ms Boyko said Mr. Wenzel read it in the paper on Saturday and he called me. I didn't get the official notification from George until he called me this morning. President Lieb said I had George call around. Ms Boyko said, "I don't know what people were saying last week they were calling other than they were embarrassed because we didn't have a full quorum."

Mrs. Synborski said I don't think if somebody is sick they have to check in with Mr. Wenzel. Mr. Wenzel said nobody said you have to. I'm just saying that four (4) people called off sick, we rescheduled the meeting according to the Borough Code. That is all. President Lieb said that is fine. Mr. Wenzel said I don't care if you are sick, that is none of my business. President Lieb said it is none of your business. Mr. Wenzel said that is right. I said that. President Lieb said when you go off on your golf trips and you miss the Council meetings, etc., etc., etc. President Lieb said there is a time when everybody can't be here. That is right. I am sorry, I told Mr. Zboyovsky. Mrs. Synborski said this is awhile ago, you and the Mayor took off and never told anybody. I'll never forget that. Mr. Wenzel said who am I to tell? Mr. Wenzel aid you called off at 10 after 6.

Mayor Lockhart said, First of all, I don't tell anybody were I'm going. Secondly, when we were in Executive Session last week, when the four of you members weren't here, we discussed this. Mr. Wenzel brought it up, you had no objections and Mr. Gobel had no objections on it. It's fine. The next thing I know the meeting is tonight, I was away this weekend, I am still going away this weekend as soon as I get out of my seat I am going back up there. I made plans because originally when we left here last week, it was to be Tuesday night. I find out now it is Monday night. Now I have to change my plans, and I would like to know why it was changed, for what reason?

Mayor Lockhart questioned Mr. Gobel if he could not make it tomorrow? Solicitor Gobel said, "I can make it tomorrow. The meeting for tomorrow, let me just say this. I was going to say this until Mr. Wenzel interrupted. The three members of Council last week, which did not constitute a quorum, scheduled a meeting for tomorrow night. They had the right to do that as I explained last week in Executive Session. The President of Council, as I just explained in Executive Session and discussed with Mr. Lieb, has the right, under the Borough Code to call a Special Meeting anytime he or she chooses. It can be for specific Borough business or it can be for general Borough business. So Mr. Lieb has called a Special Meeting for tonight for general Borough business. There is at least a quorum of Council present so that business can be conducted. The meeting for tomorrow night, that the three minority members of Council, I say minority because it didn't constitute a quorum. Three members of Council is still on. I would assume under new business that they would motion to cancel that meeting. To make it very simple, I don't make the rules. They are made in Harrisburg. Harrisburg has determined that the

President of Council can call a Special Meeting anytime he wants for general Borough business. That is the meeting tonight. The legislation in Harrisburg also determined if a seven person Council, majority rules. If it is a nine person Council, five people majority rules. If it is a township, you have three with a majority of two. That is the way our government is set up. Three people of seven, who might be in the minority on one issue or all issues, may not like it but that is the way it is set up. I don't make the rules.

Mayor Lockhart said, "I am not arguing rules. My point is why was it changed from tomorrow night?" Solicitor Gobel said it wasn't changed. Mayor Lockhart said, "Until you bring it up, when there is a 4-2 vote tonight, to cancel tomorrow nights meeting. The people that are usually in this audience, when I looked at that ad in the paper, to me that was a Special Meeting meaning you are going to do some other business. The other ad in the paper stated they are going to hold Tuesday night's meeting because of the cancellation for the last Council meeting to conduct business. To me, no wonder these people are not here because they thought they have nothing to do with what we have to do. As far as I am concerned, I am not going to participate in this meeting because it is like playing ball with a little kid. If you can't do it my way then I am going to take my ball and bat and go home and play another game. That is exactly what this has been like. This is ridiculous and I am not going to participate in it. I came right from camp, an hour and a half to come down here, because I thought tomorrow night was going to be the meeting and I was going to stay up there; then I thought, no, I am coming down to voice my opinion. I don't mean to be staring at you but I just don't want to look at anybody else." Solicitor Gobel said you can look at me. Mayor Lockhart said, "I am not yelling at you. You are doing what the President of Council told you to do. So now tonight we are going to have a Special Meeting of Council tonight. When it come to the vote it will be 4-2 vote to cancel tomorrow nights meeting, So all these people that are usually here to voice their opinion, are not going to be here tomorrow because now we don't have a meeting. So, do we want to get out of this as soon as we can or as easy as we can, I don't know. This is ridiculous."

Solicitor Gobel said, Mayor let me say this. "Maybe there won't be a motion to cancel tomorrow nights meeting. Maybe tomorrow nights meeting may go as scheduled and what happens if four people don't show up tomorrow night again, because they are sick or for other reasons. Mr. Richards couldn't make it tonight. Solicitor Gobel said the meeting that was scheduled not by majority of Council last week nobody checked the availability of the majority members of Council."

Mayor Lockhart said, "The can of worms opened when you said they didn't check with the availability of the majority of Council. This is one of the things that I was going to argue. We have an unfair labor practice coming up next Wednesday, December 9, 2009. I did not receive a phone call to find out if I am available on that night. I told you how many weeks ago that I am going to be unavailable for it. This is one of those ones that you requested the Chief and I should be there in attendance. I talked to my attorney again today and I think he will contact you, I don't know, he probably will be there. I cannot

make it. I told him I will not be there and I will not be able to make it on the 22nd of December, a few days before Christmas. So, nobody called people to find out about the availability if they will be there. I never got a phone call to see if I am available that night. So, that's your thing and this is Council's thing. I want to come down to voice my opinion and I am getting out of here. Mayor Lockhart said if there is a Council meeting tomorrow night, I will be here."

Mr. Wenzel said all I am hearing is that we didn't have the right to schedule that meeting. It is in the Borough Code.

At this time, Mr. Wenzel read a section of the Borough Code regarding Borough meetings. Mr. Wenzel said, "We followed the code. We never had the courtesy of saying that we want to change it to Monday, nobody is available on Tuesday, or whatever. I find it exceptionable I am so angry I can't even speak. I don't know what your reasons were to do that, I have no clue. Everybody was here that comes to a regular meeting were in attendance here. Our Solicitor never said it's not a good idea, maybe you ought to talk to somebody about it, he never said beans about it. He and Lieb got together and said let's have it on Monday and throw everybody off and this is what happens."

Mr. Bender said it seems like everybody had their (.inaudible) going to hurry up and pay the bills, or there will be late fees and everything else. I am glad that I am here to pay the bills and get on with the business of the Borough. President Lieb said with this being the last day of the month, the 30th, I believe that we are required, unless under certain circumstances, to conduct two meetings per month. Mr. Wenzel said unless you cancel or don't show up. President Lieb said such as bad weather or something like that. Mr. Wenzel said we did have two scheduled meetings scheduled in November. Mr. Wenzel said we opened the meeting, had roll call, we had minutes. (At this time, several Council members were speaking at the same time.)

Mr. Wenzel said you and he were the only two that were sick and are still getting over the flu, a very serious illness.

Mayor Lockhart said I did want to talk about the bills, when will the bills be paid, December 1st. That is a big deal, paid on December 1st or December 2nd. President Lieb said they are approved by the end of the month. Mayor Lockhart said what about when you ratify a bill. President Lieb said we are required to have two meetings a month and that is the reason why I chose to have this meeting tonight. Ms Boyko said she is concerned, as she reviews the invoices before signing the checks, there are late charges. Ms Boyko said if we have a meeting too close to the end of the month that is why I am concerned about the bills and late fees.

Mr. Wenzel questioned President Lieb if we are to continue on with the meeting from last week? President Lieb said we will continue with this meeting, Mr. Wenzel. Mr. Wenzel

said, "I am done. I am not going to participate in it."

4. Public comments on Agenda items only. Please limit remarks to 3 minutes.

a. Sue Lockhart, Shadewell Ave., came before Council regarding the following:

Mrs. Lockhart said my comment on the Agenda tonight, the whole Agenda. The Agenda shouldn't have been done tonight. I don't believe that he missed any more meetings than Mr. Richards or Mrs. Synborski; I have been here at the meetings. Furthermore, you say he should be ashamed. Mr. Lieb, you should hang your head in shame. Why is it when you can't attend a meeting all the other three can't attend the same meeting; and, this is the second time this year that you four didn't show up at a meeting, a public meeting. I think my husband might, I don't know if my husband mentioned it, there was a couple sitting by the door at the meeting last week, I didn't know who they were, he didn't know who they were. They were here to speak to this Council, they had to leave. They in turn called my husband last week and asked them when to come to this meeting; he told them to come tomorrow night. You're not here for the public when you tell them you are going to be here. No wonder your term is ended. It's disgusting, and shameful, shameful the things you said during this campaign, you should be ashamed of what people said and that's why you weren't elected a second term. Mrs. Lockhart said as far as scheduling goes, people do have a life outside of Brentwood. They are not to be here every single time you decide there is going to be a meeting. People have schedules. People have a life.

President Lieb said I am not going to get into campaign issues and we are not here to discuss that.

Mayor Lockhart said, "The time is 10 to 8 and I want it to show that I am leaving the meeting. I am not participating in this meeting. I am going back to where I was before I knew this meeting was changed."

5. Communications. None.

Solicitor Gobel said, "The record should reflect that Councilmen members Ms Boyko and Mr. Wenzel have vacated their seats at the dais. Mr. Wenzel said I believe that we said we were not going to participate. Solicitor Gobel said it should be noted that you left. The minutes should reflect that you left the meeting.

6. Department and Borough Manager Reports: Manager Zboyovsky read the following reports as presented:

- a. Public Works Department
- b. Building Inspector
- c. Engineer
- d. Police Chief - No report.

e. Solicitor Gobel reported, "I sent a letter to Manager Zboyovsky regarding the conclusion of the law suit with the Borough of Brentwood as the plaintiff vs. Robert Butelli as the defendant. I enclose with that correspondence the copies of the Principle for Entry Judgment of Verdict Notice of Order to (.inaudible) Judgment and the originals of which documents were filed by me on November 16, with the Court of Common Plea of Allegheny County. I instructed Mr. Zboyovsky to notify the Mayor and all members of Council that the documents were filed because no post-trial motions were filed within ten (10) days by either party to Judge Friedman's' decision and non-jury verdict of October 8, 2009; and no appeal was filed by either party within 30 days of the decision, a non-jury verdict. Accordingly, Judge Freidman's decision and a non-jury verdict of October 8, 2009 is now completely final and no appeals can be filed from that order and decision. Very simply, the civil action is concluded and with the Borough of Brentwood as the prevailing party. So that case is now finally concluded again with the Borough of Brentwood as the prevailing party. Judge Freidman in her order, as Council will recall, allowed the Borough of Brentwood to terminate and void Chief Butelli's contract because it contained an indefinite term which is contrary to public policy."

Solicitor Gobel said, "The second item I would like to bring to Council's attention and this was discussed in Executive Session, either last week or last month. We have the Hearing in front of the Labor Board next month Wednesday at 10:00. I was previously authorized in Executive Session to order the transcript of the initial Hearing at a cost of approximately \$700.00. I would like for Council, at some time tonight to make a motion to authorize to order that transcript at a cost of \$700.00. I believe it will be beneficial to the Borough at the concluding Hearing next Wednesday. Also, on November 2, a written decision was issued by the Zoning Hearing Board regarding the alleged violation of the Borough's Zoning Ordinance by Fayette Resources. In its written decision of November 2, which is very minimal, the Board specifically stated, at least the attorney for the Board wrote the Board specifically finds, based on the testimony presented, that there are two people living at the property located at 4220 Old Clairton Road. A more detailed decision including the Findings of Fact and Conclusions of Law will follow. That has not happened yet. No further detail decision has been issued. Since that decision, that letter was written November 2, as I advised Council, previously, just as a precaution, you have 30 days to file an appeal from a final decision. I don't' really believe the November 2, letter constitutes a final decision because they said the more detailed decision including Findings of Fact and Conclusions of Law will follow. However, as a legal precaution, if Council wants to appeal that decision, within a safe zone of 30 days, that deadline will be this Wednesday. So, my recommendation is if Council wants to file that appeal a vote to authorize me to do that that should be made at tonight's meeting, so it can be filed no later than Wednesday. If you want to handle that, what is Council's sentiment on that issue? Is there any desire to appeal the decision of the Zoning Board?"

President Lieb requested Council comment: Mr. Bender said to let it go. Mrs. Schade said let it go. Solicitor Gobel said I want to bring it to Councils attention, unless there is a motion, I will not file the appeal.

Mr. Bender said I don't think it's worth it legally. When we didn't have the commitment from the Zoning Board to go forward, I personally wouldn't waste any more of the

Borough's money to try to do something when we were not recommended to do it.

Mr. Johnson said I was disappointed of the Zoning Board's decision, as Mr. Bender stated the cost would be significant to appeal it.

Solicitor Gobel said, "The law seems to be that, again, Council may have another opportunity to file an appeal if it chooses to do so after the more detailed Findings of Fact and Conclusions of Law are issued by the Zoning Hearing Board. That has not taken place yet. I just want to tell you as a legal precaution to preserve your right to appeal. You should know that you have 30 days from the November 2, 2009 letter; so, if nobody makes a motion, it won't be filed. I wanted to bring that to your attention. A motion should be made later on to order the transcript for the PLRB Hearing." President Lieb said I have it written down to do it under Public Safety. Solicitor Gobel said that's all I have."

f. Borough Manager's Report: Manager Zboyovsky read the Manager's Report as submitted, which includes the 2010 Proposed Budget. Manager Zboyovsky stated Resolution 2009-24, 2010 Proposed Budget is on the Agenda this evening for consideration.

7. Mayor's Report – None.

8. Administrative and Finance Committee – Mr. Bender requested Council consider the following:

M-1 Motion by Mr. Bender, seconded by Mrs. Synborski and duly carried that Council approve the Minutes of the September 22, 2009 Council meeting as submitted. 4 AYES. 0 NAYS.

M-2 Motion by Mr. Bender, seconded by Mrs. Synborski and duly carried that Council approve the Minutes of the October 13, 2009 Agenda meeting as submitted. 4 AYES. 0 NAYS.

M-3 Motion by Mr. Benders, seconded by Mrs. Synborski and duly carried that Council Approve the Minutes of the October 27, 2009 Council meeting as submitted. 4 AYES. 0 NAYS.

M-4 Motion by Mr. Bender, seconded by Mrs. Synborski and duly carried that Council accept the Revenues for the General Fund:
Real Estate: No report.
Delinquent Real Estate: No report.

Earned Income: \$43,320.82.

Local Service Tax: \$2,676.67.

District Magistrate: \$4,575.88. 4 AYES. 0 NAYS.

M-5 Motion by Mr. Bender, seconded by Mrs. Synborski and duly carried that Council accept the Revenues for the Sewage Fund: Sewage: \$184,454.14 and Delinquent Sewage: \$35,832.41. 4 AYES. 0 NAYS.

M-6 Motion by Mr. Bender, seconded by Mrs. Synborski and duly carried that Council approve the payment to Solicitor George S. Gobel from the General Fund for Legal Services for the period of October 1, 2009 through October 31, 2009 in the amount of \$11,962.50. 4 AYES. 0 NAYS.

M-7 Motion by Mr. Bender, seconded by Mrs. Synborski and duly carried that Council approve the November 2009 Payment of Remaining Bills from the General Fund in the amount of \$136,344.26. 4 AYES. 0 NAYS.

M-8 Motion by Mr. Bender, seconded by Mrs. Synborski and duly carried that Council approve the payment to Gateway Engineers from the Sanitary Sewer Fund for engineering consulting work with the ALCOSAN Consent Decree and associated projects in the amount of \$14,252.94. 4 AYES. 0 NAYS.

M-9 Motion by Mr. Bender, seconded by Mrs. Synborski and duly carried that Council approve the November 2009 Payment of Remaining Bills from the Sanitary Sewer Fund in the amount of \$6,789.65. 4 AYES. 0 NAYS.

M-10 Motion by Mr. Bender, seconded by Mrs. Synborski and duly carried that Council approve the payment to Gateway Engineers from the Capital Improvement Fund for engineering consulting work associated with the Brentwood Stairway Project in the amount of \$10,640.50. 4 AYES. 0 NAYS.

M-11 Motion by Mr. Bender, seconded by Mrs. Synborski and duly carried that Council approve the November 2009 Payment of Bills from the Non-Uniform Pension Fund in the amount of \$2,127.60. 4 AYES. 0 NAYS.

M-12 Motion by Mr. Bender, seconded by Mrs. Synborski and duly carried that Council approve the November 2009 Payment of Bills from the Police Pension Fund in the amount of \$16,032.15. 4 AYES. 0 NAYS.

M-13 Motion by Mr. Bender, seconded by Mrs. Synborski and duly carried that Council adopt Resolution No. 2009-23 Establishing the Non-Union/Non-Contractual Salaries. "A RESOLUTION OF THE BOROUGH OF BRENTWOOD, ALLEGHENY COUNTY, PENNSYLVANIA, ESTABLISHING AND SETTING THE SALARIES AND WAGES FOR NON-UNION AND NON-CONTRACTUAL EMPLOYEES OF THE

BOROUGH OF BRENTWOOD FOR THE CALENDAR YEAR 2010.” 4 AYES. 0 NAYS.

M-14 Motion by Mr. Bender, seconded by Mrs. Synborski and duly carried that Council adopt Resolution No. 2009-24, Proposed 2010 Brentwood Budget, “A RESOLUTION OF THE BRENTWOOD BOROUGH, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, ADOPTING THE PROPOSED 2010 BUDGET AS PRESENTED TO BRENTWOOD BOROUGH COUNCIL FOR ALL FUNDS OWNED AND MAINTAINED BY THE BOROUGH OF BRENTWOOD.” 4 AYES. 0 NAYS.

M-15 Motion by Mr. Bender, seconded by Mrs. Synborski and duly carried that Council approve the Maintenance Agreement with Ricoh Business for copy machine at a rate of \$1,485.00 per year based on 10,000 copies per month. 4 AYES. 0 NAYS.

M-16 Motion by Mr. Bender, seconded by Mrs. Synborski and duly carried that Council authorize the purchase of the Lanier LD160c Color Copier from Ricoh Business Solutions for \$3,990.00. 4 AYES. 0 NAYS.

M-17 Motion by Mr. Bender, seconded by Mrs. Synborski and duly carried that Council authorize the Borough Manager to prepare and advertise Ordinance No. 2009-1181, 2010 Tax Levy, “AN ORDINANCE OF THE BOROUGH OF BRENTWOOD, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, FIXING THE BOROUGH TAX RATE ON REAL PROPERTY FOR THE FISCAL YEAR 2010.” 4 AYES. 0 NAYS.

M-18 Motion by Mr. Bender, seconded by Mrs. Synborski and duly carried that Council authorize the Borough Manager to prepare and advertise Ordinance No. 2009-1183, Sewage Collection Fees, “AN ORDINANCE OF THE BOROUGH OF BRENTWOOD, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE BOROUGH’S FEES AND CHARGES TO BE ASSESSED AND COLLECTED FOR SEWAGE COLLECTIONS, TRANSPORTATION AND TREATMENT.” 4 AYES. 0 NAYS.

M-19 Motion by Mr. Bender, seconded by Mrs. Synborski and duly carried that Council approve the Finance Director’s 2010 Employment Agreement. 4 AYES. 0 NAYS.

President Lieb requested Solicitor Gobel to word the next motion. Solicitor Gobel said, “To re-schedule the Regular Council meeting, I don’t believe that it has been properly advertised as tomorrow nights re-scheduled meeting has been advertised as a legal notice. Is that correct? Mr. Zboyovsky said the meeting has been advertised. Solicitor Zboyovsky said a motion would be in order to cancel that.

M-20 Motion by Mr. Bender, seconded by Mrs. Synborski and duly carried that Council cancel the meeting of December 1, 2009. 4 AYES. 0 NAYS.

Solicitor Gobel said to Manager Zboyovsky, a point of information, at the top of the page for the list of motions should be "Special Council Meeting." On the Agenda you have "Special Council Meeting"

M-21 Motion by Mr. Bender, seconded by Mrs. Synborski and duly carried to cancel the December 1, 2009 Council meeting. 4 AYES. 0 NAYS.

9. Public Works Committee – Mrs. Synborski said it was brought up tonight that I have missed meetings; yes, I missed three (3) in six (6) years because of illness.

M-22 Motion by Mrs. Synborski, seconded by Mr. Bender and duly carried that Council accept the Public Works Supervisor's Report for the month of October 2009 as submitted. 4 AYES. 0 NAYS.

M-23 Motion by Mrs. Synborski, seconded by Mrs. Schade and duly carried that Council consider the Addendum to Safe Routes to School Grant – Stairway Replacement Project Work Authorization by Gateway Engineers in the non-to-exceed amount of \$10,000.00. 4 AYES. 0 NAYS.

M-24 Motion by Mrs. Synborski, seconded by Mrs. Schade and duly carried that Council authorize the transfer of \$60,000 from the Borough's General Fund Line Item 01-492-918 to the Borough's Capital Improvement Fund, Line Item, 18-392-010 for Additional Engineering and Project Cost Over –Runs associated with the Brentwood Stairway Replacement Project. 4 AYES. 0 NAYS.

Mrs. Synborski stated the Leaf Collection will continue through the first week of December.

10. Zoning and Ordinance Committee – Mrs. Synborski

M-25 Motion by Mrs. Synborski, seconded by Mr. Bender and duly carried that Council accept the Building Inspector's Report for the period of October 23, 2009 through November 20, 2009 as submitted. 4 AYES. 0 NAYS.

Mrs. Synborski stated there is no Planning Commission meeting in November or December; and no Zoning Hearing Board meeting in November or December.

11. Park and Recreation Committee – Mrs. Schade

Mrs. Schade gave an update on the Brentwood Park Initiative and stated the next meeting will be on Thursday, December 10, 2009 at 7:00 P.M. in the Community Room. These meetings are open to the public and we encourage your participation.

M-26 Motion by Mrs. Schade, seconded by Mr. Bender and duly carried that Council approve the request for the use of the Civic Center for Prader-Willi Syndrome Association fundraiser and to waive the fee. 4 AYES. 0 NAYS.

12. Public Safety Committee – At this time, Mr. Bender read the Police Chief’s Report.

M-27 Motion by Mr. Bender, seconded by Mrs. Synborski and duly carried that Council accept the Police Chief’s Report for the period of October 21, 2009 through November 18, 2009 as submitted by myself, Mr. Bender. 4 AYES. 0 NAYS.

M-28 Motion by Mr. Bender, seconded by Mrs. Synborski and duly carried that Council authorize the renewal of the Agreement with Mr. Magic Car Wash for six (6) Police Vehicles at the yearly rate of \$291.66 per car, the total contract of \$1,750.00. 4 AYES. 0 NAYS.

M-29 Motion by Mr. Bender, seconded by Mrs. Synborski and duly carried that Council authorize the Borough Manager to prepare and advertise Ordinance No. 2009-1182, Pawnbrokers, Dealers in Precious Metals, Secondhand Dealers and Antique Dealers, “AN ORDINANCE OF THE BRENTWOOD BOROUGH, COUNTY OF ALLEGHENY COMMONWEALTH OF PENNSYLVANIA, ADOPTING AN ORDINANCE AUTHORIZING AND APPROVING THE ESTABLISHMENT OF A REGISTRATION SYSTEM FOR PAWNBROKERS, DEALERS IN PRECIOUS METALS, SECONDHAND DEALERS AND ANTIQUE DEALERS.” 4 AYES. 0 NAYS.

M-30 Motion by Mr. Bender, seconded by Mrs. Synborski and duly carried that Council hire Luke Sedar as recommended by the Brentwood Borough Civil Service Commission for the position of Full-time Police Officer with the Brentwood Borough Police Department in accordance with the current labor agreement contingent upon successfully passing a Medical Examination, Mental Evaluation, Polygraph Test and Background Investigation. 4 AYES. 0 NAYS.

M-31 Motion by Mr. Bender, seconded by Mrs. Synborski and duly carried that Council hire James Ilgenfritz as recommended by the Brentwood Borough Civil Service Commission for the position of Full-time Police Officer with the Brentwood Borough Police Department in accordance with the current labor agreement contingent upon successfully passing a Medical Examination, Mental Evaluation, Polygraph Test and Background Investigation. 4 AYES. 0 NAYS.

13. Special Committees –

- **ACBA** – Mrs. Synborski said the end of the year meeting is on Thursday, Mrs. Schade and I will be attending.
- **BBOA** – President Lieb said no report.
- **EDS** – Mrs. Schade said no report.

- **LIBRARY BOARD** – Mrs. Schade reported on the meeting and stated the Library Board conducted election of officers and Mrs. Synborski is now on the Library Board.
- **SHACOG** – No report.
- **WATERSHED** – No report.
- **RT. 51 CORRIDOR** – No report.

14. Old Business – None.

15. New Business – Mr. Bender questioned the Solicitor if the Borough would be charged twice this month for your meetings? Solicitor Gobel said no. Mr. Lieb asked me that question, it is unfortunate that we had so many illnesses this past week and I am not going to charge any extra for having to come last week and this week. Mr. Bender said I am sorry I missed a meeting, but things happen. A lot of people spoke for me that should have kept their tongue quiet and tied. I'm sorry that I missed the meeting and you had to come back out tonight.

Solicitor Gobel said that is quite alright. Solicitor Gobel said I have to chuckle, every month, certain members of Council question every invoice I submit; tonight, I noticed you paid \$35,000 in monthly bills for Gateway Engineering, and I have no reason to dispute any of their charges, I haven't seen the bills. But those bills get approved routinely every month, and they are far in excess of the Solicitor bills. Mr. Bender said we will then be charged only one time. Solicitor Gobel said that is correct.

M-32 Motion by Mr. Bender, seconded by Mrs. Schade and duly carried that Council authorize Solicitor George Gobel to obtain the December 9, 2009 PLRB Transcript in the amount of \$700.00. 4 AYES. 0 NAYS.

Solicitor Gobel said he would like to point out that Council made a motion to cancel tomorrow nights meeting. I believe that it is for the reason that everything that was on the Agenda for last weeks' regular scheduled meeting, where a quorum didn't exist, was covered tonight. So there would be no further business to conduct tomorrow night, if that meeting preceded as originally scheduled. Solicitor Gobel said is that correct? Manager Zboyovsky said yes.

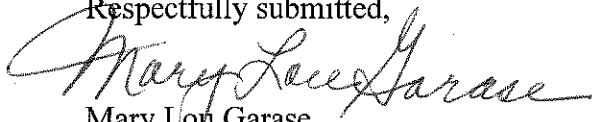
16. Public comment – Please try to limit remarks to 3 minutes.

Mr. Bender said under New Business. Mr. Zboyovsky I want to make public note of it that Mr. Zboyovsky brought up renting the stadium to a minor football team. I want it to be known while the media is here we handled this in a professional manner. We didn't want some lame duck Council hurrying up and pinning on a new Council someone using

the stadium, and it was recommended that we put a hold on that until the new Council takes office in January. Let them pursue that avenue.

M-33 Motion by Mrs. Synborski, seconded by Mr. Bender and duly carried to adjourn the meeting at 8:30 P.M. 4 AYES. 0 NAYS.

Respectfully submitted,



Mary Lou Garase
Administrative Assistant

Mlg

November 30, 2009 Special Business Council Meeting