

**BOROUGH OF BRENTWOOD
MINUTES OF THE AGENDA MEETING
TUESDAY, SEPTEMBER 21, 2010**

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EXECUTIVE SESSION: President Wenzel stated personnel and legal 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 President David Wenzel at 7:30 P.M., on Tuesday, September 21, 2010 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: Mr. Schade, Mr. Clyde Zimmerman, Ms Janice Boyko, Mrs. Catherine Trexler, Mr. Charlie Johnson and Mr. David Wenzel.

Absent: Councilman Mario Richards.

Also present: Mayor Kenneth E. Lockhart, Borough Manager George Zboyovsky, Solicitor Thomas Ayoob, III and Administrative Assistant Mary Lou Garase.

4. Communications – None.

At this time, Fay Boland, Brentwood Borough Tax Collector, reported the Tax Collector's Report.

President Wenzel stated there are nine (9) Action Items this evening. The public may speak now only on those nine (9) items. Public comment: None.

5. Department and Borough Managers Reports: President Wenzel stated the following reports will be considered at the Council meeting:

- a. Public Works Department
- b. Building Inspector
- c. Engineer
- d. Police Chief
- e. Solicitor
- f. Borough Manager

6. President's Report – President Wenzel said no report.

7. Mayor's Report – Mayor Lockhart requested Mrs. Trexler to authorize the public works to display a banner at East Willock Road and Brownsville Road in memory of Mrs. Zimmerman. Mrs. Trexler agreed.

8. Administrative and Finance Committee – Ms Boyko stated the following will be considered at the Council meeting:

- a. Approve the Minutes of the August 17, 2010 Agenda meeting.
- b. Approve the Minutes of the August 24, 2010 Regular meeting.
- c. Accept the Treasurer's Report for the period ending August 31, 2010.
- d. Consider payment of the bills from August 14, 2010 through September 17, 2010 from the General Fund.

Mr. Zimmerman questioned page one, under General Fund, did Council authorize the meeting for Dawn Lane to go to the Seminar for \$50.00.

Manager Zboyovsky said there is a line item in the budget for training.

Mr. Zimmerman said on page three, under Police Services, other services, it states late fees. Why do we have late fees? Manager Zboyovsky said he will look into this.

Mr. Zimmerman said page eight, the third item from the bottom, S & B Calibrations Services, is this calibration for a watch for \$33.50? Manager Zboyovsky said this is a Police related item.

Ms Boyko continued,

- e. Consider payment of the bills from August 14, 2010 through September 17, 2010 from the Sanitary Sewer Fund.
- f. Consider payment of the bills from August 14, 2010 through September 17, 2010 from the Capital Improvement Fund.
- g. Consider payment of the bills from August 14, 2010 through September from the Non-Uniform Pension Fund.
- h. Consider payment of the bills from August 14, 2010 through September 17, 2010 from the Police Pension Fund.

M-1 Motion by Ms Boyko, seconded by Mr. Zimmerman and duly carried that Council accept the Non-Police Pension Plan 2011 Minimum Municipal Obligation (MMO) in the amount of \$63,272.00 as prepared by Mockenhaupt Benefits Group. ALL AYES.

M-2 Motion by Ms Boyko, seconded by Mr. Zimmerman and duly carried that Council accept the Police Pension Plan 2011 Minimum Municipal Obligation (MMO) in the amount of \$161,767.00 as prepared by Mockenhaupt Benefits Group. ALL AYES.

Ms Boyko continued:

- k. Consider entering into an Agreement with IN Community Magazine to publish the quarterly magazine for the Borough of Brentwood.

Solicitor Ayoob stated he reviewed the contract and made some proposed changes. Manager Zboyovsky said the changes were minor; there was a typographical error

this was corrected. Manager Zboyovsky said the first edition is schedule for mid-November. Manager Zboyovsky said the contract is for one year, five quarters which would include the last edition for 2010.

A discussion ensued regarding the contract, Brentwood Park Initiative and commercial ads in the IN Community Room Magazine. A copy of the contract will be in the Council packet for review.

M-3 Motion by Ms Boyko, seconded by Mr. Zimmerman and duly carried that Council approve the Renewal of the Software Maintenance Agreement with ProSoft Technologies associated with the Real Estate Tax Module, Budgetary Accounting Module, Payroll Systems Module and Personnel System Module for the period of January 2011 through December 2011 in the amount of \$398.00 per month. ALL AYES.

M-4 Motion by Ms. Boyko, seconded by Mr. Zimmerman and duly carried that Council accept and adopt the 2011 Brentwood Borough Budget Schedule as submitted. ALL AYES.

9. Public Works Committee - Mrs. Trexler stated we will consider the following at the Council meeting:

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

M-4 Motion by Mrs. Trexler, seconded by Mrs. Schade and duly carried that Council participate in "REDD UP" Day on Saturday, October 16, 2010 in Brentwood Borough.

Mr. Johnson requested Mrs. Trexler explain. Mrs. Trexler stated this was discussed at the Joint School/Council meeting. A discussion ensued and it was stated the Public Works would be working overtime.

M- 5 Motion by Mrs. Trexler, seconded by Mrs. Schade and duly carried that Council participate in "REDD UP" Day on Saturday, October 16, 2010 in Brentwood Borough, contingent upon the Solicitor's review.

President Wenzel said if it shows that we only had 44 kids from Pitt, I think the public isn't interested in it! Would you agree with that? Mrs. Trexler said I don see why the public wouldn't be interested in cleaning up their community!

A ROLL CALL VOTE WAS TAKEN: Mr. Zimmerman, AYE; Ms Boyko, AYE; Mrs. Trexler; AYE; Mr. Richards, ABSENT; Mr. Johnson, NAY; Mrs. Schade, AYE; Mr. Wenzel, NAY. 4 AYES. 2 NAYS. 1 ABSENT.

President Wenzel said, "Motion carried."

M-6 Motion by Mrs. Trexler, seconded by Mrs. Schade and duly carried that Council approve the Work Authorization for Gateway Engineers to provide Construction

Administration and Inspection Support Services for the Joint Municipal SHACOG Manhole Rehabilitation Project in the amount not to exceed \$4,000.00. ALL AYES.

Manager Zboyovsky said the amount of \$4,000 is minimal because there is a Public Works employee designated to do some of the inspection services, which lowers the costs.

At this time, Council was discussing the letter for Ms Stephanie Shaw, an Elroy Elementary student that sold lemonade as a fundraiser at the Brentwood Park Initiative Community Day. It was decided the letter be signed by Council and presented to Ms Shaw at the next meeting.

Mrs. Trexler continued,

- e. Bid Concurrence – SHACOG Joint Municipal Sewer Lining Project – Year 5 to recommend award and enter into contract with lowest responsible bidder, Lake County Sewer Company, Inc.

M-7 Motion by Mrs. Trexler, seconded by Mr. Johnson and duly carried that Council approve the Agreement by and between the Borough of Brentwood and Robert D. Butelli, Chief of Police. ALL AYES.

M-8 Motion by Mrs. Trexler, seconded by Mrs. Schade and duly carried that Council accept and approve the Extension of Maintenance and Support Agreement for Premier MDC with Motorola for the Police Department for the period of November 1, 2010 through October 31, 2011 in the amount of \$365.00. ALL AYES.

Mrs. Trexler continued.

- e. Bid Concurrence – SHACOG Joint Municipal Sanitary Sewer Lining Project – Year 5 to recommend award and enter into contract with lowest responsible bidder, Lake County Sewer Company, Inc.

10. Zoning and Ordinance Committee – Mrs. Schade stated the following will be considered at the Council meeting:

- a. Accept the Building Inspector's monthly report.
- b. FYI – Mrs. Schade stated the Zoning Hearing Board meeting is scheduled for September 22, 2010 at 8:00 P.M, regarding a Variance to install a Pole Sign at 3000-3002 Brownsville Road, the applicant is 3000-3002 Brownsville Road, an R-3 district.
- c. FYI – Mrs. Schade stated the Planning Commission meeting was on Thursday,

September 16, 2010 regarding the request for a Conditional Use application for Wireless Antenna's – Clearwire is the Applicant for 3310 Brownsville Road, an R-3 zoned district.

- d. Discuss Amending in Limited Part Chapter 210-11, Personal Service Establishment, Beauty shops, Barber shops, etc.

Mrs. Trexler questioned Mrs. Schade on Item C. if this has then been approved? Solicitor Ayoob said the Planning Commission doesn't approve or reject anything. The Planning Commission is a body that makes recommendations per the PA Municipalities Code; and has the opportunity to review and make recommendations on certain applications. Solicitor Ayoob said there was an application for a Conditional Use, for antennas that contain small micro antennas. Unfortunately, the present ordinance is antiquated and it doesn't fully address antennas and it doesn't address communication towers; and because the ordinance doesn't address this, the applicant acknowledges that it doesn't fit in with the type of antenna which does allow the parabolic antennas and the microwave dish antennas. As a result the Planning Commission recommended the application not be approved. Solicitor Ayoob said Council has to consider updating the current ordinance on the use of towers, telecommunications devices, cell phones, pagers, etc.

Solicitor Ayoob said the applicant will have a recommendation of denial from the Planning Commission and Council will need to review the application and decide to approve or deny the request at a Public Hearing and meet the advertisement requirements and other criteria that must be met. Solicitor Ayoob said you can review model ordinances and compose/update your ordinance. A discussion ensued.

Mrs. Trexler questioned what is the Amendment to Chapter 210-11? Mrs. Schade said it was the definition.

11. Park and Recreation Committee – Mr. Johnson reported the next Brentwood Park Initiative meeting will be held on Thursday, October 14, 2010 at 7:00 P.M. in the Community Room.

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

- a. Accept the Police Chief's monthly report

M-9 Motion by Mr. Zimmerman, seconded by Mr. Johnson and duly carried that Council approve the Agreement by and between the Borough of Brentwood and Robert D. Butelli, Chief of Police. ALL AYES.

M-10 Motion by Mr. Zimmerman, seconded by Mrs. Schade and duly carried that Council accept and approve the Extension of Maintenance and Support Agreement for

Premier MDC with Motorola for the Police Department for the period of November 1, 2010 through October 31, 2011 in the amount of \$365.00. ALL AYES.

Mr. Zimmerman continued,

d. Discuss Resolution No. 2010-61 supporting House Bill 712 – Land Banks

Mr. Johnson questioned what is a Land Bank? Manager Zboyovsky explained.

e. Discuss Resolution No. 2010-62 supporting Senate Bill 900 – Neighborhood Blight Reclamation and Revitalization

President Wenzel stated he is in full support of Senate Bill 900 and House Bill 712 and will be considered at the Council meeting.

f. Consider Renewal of Agreement with Response Computer Service, Inc for the Laptop Computers in the Police Department for the period of 10/15/10 through 10/14/11.

Mayor Lockhart questioned the cost for Service Agreement? Manager Zboyovsky stated it is not an Action Item this evening because we are waiting for the revised renewal agreement.

g. Discuss Library Board Appointments

Mr. Zimmerman said in reviewing the slide show on the workings of the Borough, it states the Borough Council is responsible for appointing the Library Board members. Mr. Zimmerman said we will notify Mr. Luther regarding the appointments. President Wenzel said, in accordance with Section 413-414 of the Library Code, the Library is to submit a yearly budget to Brentwood Borough.

Mr. Zimmerman continued,

h. Discuss Stop Sign Warrant Study throughout the Borough

Mr. Zimmerman stated the Borough has been receiving complaints about traffic on the roads in Brentwood. This Stop Sign Warrant Study is about streets. A discussion ensued regarding four-way intersections, three-way intersections, the traffic on Elroy Avenue near the school, and traffic on Sceneridge Avenue. Solicitor Ayoob said if the Study Warrants a “Stop Sign” is required, an ordinance would then be prepared, advertised and adopted. Manager Zboyovsky explained the procedure to begin the study.

President Wenzel stated the residents that are complaining about traffic need to write a letter to Council or submit a petition. Manager Zboyovsky said he will notify the school district regarding a letter being submitted to the Borough.

Mayor Lockhart said with regard to the request for a “Stop” sign to be considered on Elroy Avenue, near the school, I suggest the school district submit a letter to Council

addressing the issue. Solicitor Ayoob stated the placement of all “Stop” signs must pass the Stop Sign Warrant Study. A discussion ensued.

i. FYI – Mr. Zimmerman said there will be an EMS Report at the Council meeting.

j. FYI - Mr. Zimmerman said there will be a Library Report at the Council meeting

k. FYI – Mr. Zimmerman stated there will not be a Brentwood Volunteer Fire Department Report.

13. Special Committees

- **ACBA** – Mr. Zimmerman said he will have a report.
- **ALOM** – Mr. Johnson said he will have a report
- **PSAB** – Mrs. Trexler said she will have a report.
- **EDS** – Mrs. Trexler said she will have a report.
- **CONNECT** – Mr. Johnson said he will not be available to attend the meeting on Thursday but he will have a report at the Council meeting.
- **3 Rivers Wet Weather** – Mrs. Schade said no report.
- **Rte 51 Planning Committee** – Ms Boyko said she will have a report.
- **SHACOG Board** – Mrs. Trexler said she will have a report.
- **WATERSHED** – Mrs. Schade said no report.

14. Old Business – None.

15. New Business – None.

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

- a. Pat Carnevale, Shadewell Ave., came before Council regarding the following:
- “Stop” sign is missing at the bottom of Hillson Avenue.
 - Library Board (Appointments/Terms)
 - Sidewalks – (Repair)
 - Community Day - Mr. Carnevale said he would like to know if from 11:30 A.M. to 1:00 P.M. you couldn’t get into the pool for free. After 5:00 P.M. did everyone that was in the pool leave, go back in and show a pass?

President Wenzel said pending court action we are not answering any questions.

Solicitor Ayoob said, "Everyone has the right to make public comment, but not the right to have answers."

- Labor Day – Field was mess after the football game
- No smoking – No enforcement of ordinance
- Drinking – Purchase of alcohol at Giant Eagle
- Meadowbrook Boulevard – Cleanup debris, cigarette butts, etc.
- Speak with Code Enforcement Officer

Mr. Carnevale said he called the Borough Building to talk to the Code Enforcement Officer and I was told it had to go through Manager to talk to the Code Enforcement Officer. Is this a new regulation you are coming up with or what? We never had to do this before!

Manager Zboyovsky said you were asked the nature of your visit. We can't have people coming in off the street and taking up valuable staff time. Ralph is one of the most-busiest persons here. You didn't give any reason for your visit. The second reason was just sidewalks. Mr. Carnevale said sidewalks and streets; that is what I wanted to talk to him about. Manager Zboyovsky said he is not here to interpret the code. If you have a specific question regarding a building permit, or something relative to you personally, then that would be different. Manager Zboyovsky said you didn't give that information. We asked for you to give a reason for your visit. Mr. Carnevale said it seems to me that this was the first time that information was ever asked for by anybody by you. Anybody else, at any other time, could come up here and go in to see anybody they wanted to see. If they stopped down at the desk of the Secretary and she would phone upstairs for you. I know I was picked out and if I have to go through you every time just because every time I want to ask a question on a code or something, I don't think I have to go through you. I don't think it is right!

- Borough Vacation Time – (Contracts)

Mr. Carnevale questioned if he has to ask for special permission to see the contract? I pay taxes to the Borough; it is just a Borough question of economics. I just want to know how you go on vacation and how everyone else within the Borough goes on vacation. Do they go one day at a time? A half day at a time? How long is a week? Mr. Carnevale questioned if someone was going to answer the question? Solicitor Ayoob said, "No."

M-11 Motion by Mr. Johnson, seconded by Ms Boyko and duly carried to adjourn the meeting at 8:25 P.M. ALL AYES.

Respectfully submitted,

Mary Lou Garase
Administrative Assistant

