

**BOROUGH OF BRENTWOOD  
MINUTES OF THE REGULAR MEETING OF COUNCIL  
JULY 27, 2010**

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**EXECUTIVE SESSION:** President Wenzel stated Council met in Executive Session personnel and contractual issues were discussed. No votes were taken.

**1. Call to Order** – The Regular meeting of the Council of the Borough of Brentwood was called to order by President Wenzel at 7:30 P.M. on Tuesday, July 27, 2010 in Council Chambers.

**2. Pledge of Allegiance** – The Pledge of Allegiance as recited by all in attendance.

**3. Roll Call:** The following answered roll call: Ms Janice Boyko, Mrs. Catherine Trexler, Mr. Mario Richards, Mr. Charlie Johnson, Mrs. Ann Schade, Mr. Clyde Zimmerman and Mr. David Wenzel.

**Also present:** Mayor Kenneth E. Lockhart, Manager George Zboyovsky, Solicitor Thomas Ayoob, III, Police Chief Robert Butelli, Public Works Supervisor Robert Mackewich and Administrative Assistant Mary Lou Garase.

**Absent:** Building Inspector Ralph Costa is on vacation.

**4. Special Presentation by Mayor Lockhart.** At this time, Mayor Lockhart presented Proclamations to the following 2010 D.A.R.E. Essay Winners:

- Moore School Brigid Stuart – Gary Fox is on vacation and not present this evening; however, he will receive his Proclamation in the mail.
- St. Sylvester’s School – Emily Gasiorowski
- Elroy School – Michael Lane and Cheyenne Silvio. Elissa Kortz is not present this evening; however, she will receive her Proclamation in the mail.

**5. 2009 Audit Presentation by Borough Auditor, Hosack, Specht, Muetzel & Wood, LLP.** Representatives Mr. John Zivkovic and Mr. Rich Johnson presented a summary report on the 2009 Audit. Complete copy on file in Administrative Office.

**6. Public comment on Agenda Items Only – Please try to limit remarks to 3 minutes.**

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

- Item No. 11.j Consider payment of the bills from June 18, 2010 through July 16, 2010 from the Non-Uniform Pension Fund in the amount of \$2,949.44.
- Item No. 11.k Consider payment of the bills from June 18, 2010 through July 16, 2010 from the Police Pension Fund in the amount of \$19,455.35.

Manager Zboyovsky stated the payment is approximately \$2,300.00 for the MMC&P Actuarial and the Pension Fund Attorney. A discussion ensued.

- Item No. 11.p Consider extending the employment of LGA Intern, Rebecca VanRegenmorter, from August 1, 2010 to December 31, 2010 at the rate of \$10.00 per hour.

**7. Communications.** Manager Zboyovsky said no report.

**8. Department and Borough Managers Reports:**

**a. Public Works Department** – Public Works Supervisor Robert Mackewich read the Public Works Supervisor’s Report for the month of June 2010

Mr. Johnson thanked the Public Works Department for hanging the Community Day banner.

Mr. Richards questioned Mr. Mackewich exactly what is “Light Duty” and what are the restrictions? Mr. Mackewich said the restrictions are indicated on the doctor’s release stating limits for the individual patient. A discussion ensued.

**b. Building Inspector Report** – In the absence of Building Inspector Ralph Costa, Public Works Supervisor Robert Mackewich read the Building Inspector’s Report for the period of June 21, 2010 through July 23, 2010.

**c. Engineer’s Report** – Manager Zboyovsky reported on the following:

- Consent Order Feasibility Study
- 3 Rivers Wet Weather
- Brownsville Road Repaving Project
- Year 36 CDBG - Willow Haven Drive Slab Construction
- Storm Water Phase II Criteria
- Rte. 51 Arch Culvert Repair/Replacement
- CD Year 37 – 2011 Final Applications Submitted
- Consider contract for Architectural Feasibility Study
- SHACOG Manhole Rehabilitation Project
- Gateway Engineer Annual Strategic Planning Meeting Scheduled in September.

**d. Police Chief’s Report** – Police Chief Robert Butelli read the Police Report for the period of June 16, 2010 through July 22, 2010.

**e. Solicitor’s Report** – Solicitor Ayoob said no report. Solicitor Ayoob said as a follow up on the Engineer’s Report, he attended the Solicitor’s meeting today of the Allegheny County Bar Association, sponsored by the 3 Rivers Wet Weather Association Project, to get the Solicitor’s involved in regard to documenting joint effort of the

municipalities in composing a data bank agreement necessary for the municipalities as to who shares the cost of a shared sewer line.

**f. Borough Manager's Report – Manager Zboyovsky**

- Strategic Planning Meeting
- Advertised for additional Strategic Planning Meetings (Open to the Public)
- Brentwood Park Initiative (Rep. Wayne Fontana sponsor State Capital Program)
- Finalizing PEMA Grant Paperwork
- Personnel Manual Update

**9. President's Report** – President Wenzel stated the Public Safety Committee President received a letter from a resident on Bauman Avenue regarding the vehicles speeding. A petition was submitted to Council and the proposed Traffic Calming Device Study and Ordinance is being prepared. A discussion ensued.

**10. Mayor's Report** – Mayor Lockhart reported the Brentwood Cares is in dire need of supplies and financial support for our military overseas.

**11. Administrative and Finance Committee – Ms Janice Boyko**

**M-1** Motion by Ms Boyko, seconded by Mr. Zimmerman and duly carried to approve the Minutes of the May 25, 2010 Regular Council meeting as submitted. ALL AYES.

**M-2** Motion by Ms Boyko, seconded by Mr. Zimmerman and duly carried that Council approve the Minutes of the June 15, 2010 Agenda meeting as submitted. ALL AYES.

**M-3** Motion by Ms Boyko, seconded by Mr. Zimmerman and duly carried that Council approve the Minutes of the June 22, 2010 Regular Council meeting as submitted with the following correction: Mr. Johnson stated on Page one under Roll Call it should read: "Mr. Charlie Johnson" and on page 4, under Park and Recreation it should read: "Don Collazzi". ALL AYES.

**M-4** Motion by Ms Boyko, seconded by Mr. Zimmerman and duly carried that Council approve the Minutes of the July 20, 2010 Strategic Planning meeting as submitted. ALL AYES.

**M-5** Motion by Ms Boyko, seconded by Mr. Zimmerman and duly carried that Council accept the Treasurer's Report for the period ending June 30, 2010 as submitted.

A ROLL CALL VOTE WAS TAKEN: Mrs. Trexler, AYE; Mr. Richards, NAY; Mr. Johnson, AYE; Mrs. Schade, AYE; Mr. Zimmerman, AYE; Ms Boyko, AYE; Mr. Wenzel, AYE. 6 AYES. 1 NAY. President Wenzel said, "Motion carried."

**M-6** Motion by Ms Boyko, seconded by Mr. Zimmerman and duly carried that Council approve the payment of the bills from June 18, 2010 through July 16, 2010 from the General Fund in the amount of \$296,667.01.

A ROLL CALL VOTE WAS TAKEN: Mr. Richards, NAY; Mr. Johnson, AYE; Mrs. Schade, AYE; Mr. Zimmerman, AYE; Ms Boyko, AYE; Mrs. Trexler, AYE; Mr. Wenzel, AYE. 6 AYES. 1 NAY. President Wenzel said, "Motion carried."

**M-7** Motion by Ms Boyko, seconded by Mr. Zimmerman and duly carried that Council approve the payment of the bills from June 18, 2010 through July 16, 2010 from the Sanitary Sewer Fund in the amount of \$276,539.69.

A ROLL CALL VOTE WAS TAKEN: Mr. Johnson, AYE; Mrs. Schade, AYE; Mr. Zimmerman, AYE; Ms Boyko, AYE; Mrs. Trexler, AYE; Mr. Richards, NAY; Mr. Wenzel, AYE. 6 AYES. 1 NAY. President Wenzel said, "Motion carried."

President Wenzel questioned Mr. Richards why he is voting all these motions down? Is there something that you found that is not correct? Mr. Richards said there are many things that I found that are incorrect. But they never get answered again anyway.

**M-8** Motion by Ms Boyko, seconded by Mr. Zimmerman and duly carried that Council approve the payment of the bills from June 18, 2010 through July 16, 2010 from the Capital Improvement Fund in the amount of \$2,643.19. ALL AYES.

**M-9** Motion by Ms Boyko, seconded by Mr. Zimmerman and duly carried that Council approve the payment of the bills from the June 18, 2010 through July 16, 2010 from the DCNR Grant Fund in the amount of \$901.15. ALL AYES.

**M-10** Motion by Ms Boyko, seconded by Mr. Zimmerman and duly carried that Council approve the payment of the bills from June 18, 2010 through July 16, 2010 from the Non-Uniform Pension Fund in the amount of \$2,949.44. ALL AYES.

**M-11** Motion by Ms Boyko, seconded by Mr. Zimmerman and duly carried that Council approve the payment of the bills from June 18, 2010 through July 16, 2010 from the Police Pension Fund in the amount of \$19,455.35. ALL AYES.

**M-12** Motion by Ms Boyko, seconded by Mr. Zimmerman and duly carried that Council approve the Workers Compensation Insurance renewal for Brentwood Borough Employees and EMS Employees with Housing and Redevelopment Insurance Exchange (H.A.R.I.E.) for the period August 1, 2010 to July 31, 2011 in the amount of \$214,066.00. ALL AYES.

**M-13** Motion by Ms Boyko, seconded by Mr. Zimmerman and duly carried that Council approve the Workers Compensation Insurance renewal for Brentwood Volunteer Fire

Department with the State Workers Insurance Fund (SWIF) for the period of August 1, 2010 to July 31, 2011 in the amount of \$18,541.00. ALL AYES.

**M-14** Motion by Ms Boyko, seconded by Mr. Zimmerman and duly carried that Council approve the renewal of the Borough Building Emergency Generator Maintenance Agreement with Penn Power Systems for the period September 1, 2010 to August 31, 2011 in the amount of \$525.00. ALL AYES.

**M-15** Motion by Ms Boyko, seconded by Mr. Zimmerman and duly carried that Council approve the placing a quarter page advertisement for the 2010 Local Government Academy Recognition Luncheon Program Advertisement costing \$50.00. ALL AYES.

**M-16** Motion by Ms Boyko, seconded by Mr. Zimmerman and duly carried that Council extend the employment of Local Government Academy Intern, Rebecca VanRegenmorter, from August 1, 2010 to December 31, 2010 at the rate of \$10.00 per hour. ALL AYES.

Mayor Lockhart commented I don't understand why we have two Insurance carriers, one for the Borough Employees and the Brentwood EMS. Manager Zboyovsky explained that H.A.R.I.E. does not offer fire department coverage; therefore, the fire department insurance coverage is with the State (SWIF).

**12. Public Works Committee – Mrs. Trexler**

**M-17** Motion by Mrs. Trexler, seconded by Mr. Johnson and duly carried that Council accept the Public Works Supervisor's Report for the month of June 2010 as submitted. ALL AYES.

**M-18** Motion by Mrs. Trexler, seconded by Mr. Johnson and duly carried that Council amend Resolution No. 2010-55 CD Year 37 Concurring Resolution, Hillson/Daub Storm Sewer Phase 1., "A RESOLUTION OF THE BOROUGH OF BRENTWOOD, ALLEGHENY COUNTY PENNSYLVANIA, AUTHORIZING THE FILING OF AN APPLICATION FOR FUNDS WITH THE ALLEGHENY COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT." (NOTE: Amended the amount being requested from \$25,778 to \$47,873.00)

Mr. Richards stated this amount almost doubled. Manager Zboyovsky stated the numbers were reversed on the pre-application form. We requested more that was the project was.

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

**M-19** Motion by Mrs. Trexler, seconded by Mr. Richards and duly carried that Council approve Change Order No. 1, Brownsville Road Paving Project associated with an additional 1,200 Linear Feet of Petro-Tape and the deduction of approximately 108

Linear Feet of damaged curbing for a total reduction from the Original Contract Price of \$3,113.78. ALL AYES.

**13. Zoning and Ordinance Committee – Mrs. Schade**

**M- 20** Motion by Mrs. Schade, seconded by Ms Boyko and duly carried that Council accept the Building Inspector’s monthly report for the period of June 28, 2010 to July 23, 2010 as submitted. ALL AYES.

**M-21** Motion by Mrs. Schade, seconded by Mr. Johnson and duly carried that Council authorize the Borough Manager to advertise Ordinance No. 1190, Amending in Limited Part Chapter 148, Nuisances. ALL AYES.

**M-22** Motion by Mrs. Schade, seconded by Mr. Johnson and duly carried that Council authorize the Borough Manager to advertise Ordinance No. 1191, Amending in Limited Part Chapter 162, Property Maintenance. ALL AYES.

**M-23** Motion by Mrs. Schade, seconded by Mr. Johnson and duly carried that Council authorize the Borough Manager to advertise Ordinance No. 1192, Amending in Limited Part Section 180, Article VI, Snow and Ice Removal.

President Wenzel stated I will add to that motion “Pending the Borough Solicitor’s approval”. Solicitor Ayoob stated he spoke with Manager Zboyovsky and some changes have already been made to the already advertised motions on the “Nuisance” and “Property Maintenance.” The “Snow and Ice Removal” changes will be made; however, it will be a change of the content of the word and it is okay to advertise.

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

**M-24** Motion by Mrs. Schade, seconded by Mr. Johnson and duly carried that Council, per the April 19, 2010 letter from the Brentwood Borough Planning Commission, approve the Conditional Use for the installation of three (3) cellular antennas in a C-2 Neighborhood, Commercial District located at 2721 Brownsville Road. ALL AYES.

**14. Park and Recreation Committee – Mr. Johnson**

Mr. Johnson stated the next Brentwood Park Initiative meeting will be held on August 12, 2010 at 7:00 P.M. at the Community Room. Community Day is scheduled on Saturday, August 21, 2010.

**15. Public Safety Committee – Mr. Zimmerman**

**M-25** Motion by Mr. Zimmerman, seconded by Mrs. Schade and duly carried that Council accept the Police Chief’s Report for the period June 17, 2010 through July 22, 2010 as submitted. ALL AYES.

**M-26** Motion by Mr. Zimmerman, seconded by Mrs. Schade and duly carried that Council approve the Conditional Hiring of Mr. Joshua A. Scott as a Brentwood Borough Police Officer for the probationary period of one (1) year in accordance with the Borough's Civil Service Rules & Procedures, contingent upon his successful passing of the medical, psychological and polygraph testing. ALL AYES.

**M-27** Motion by Mr. Zimmerman, seconded by Mrs. Schade and duly carried that Council adopt Resolution No. 2010-57, Establishing the Brentwood Borough Safety Committee, "A RESOLUTION OF THE BOROUGH OF BRENTWOOD, COUNTY OF ALLEGHENY AND COMMONWEALTH OF PENNSYLVANIA ESTABLISHING THE BRENTWOOD BOROUGH SAFETY COMMITTEE." ALL AYES.

Mayor Lockhart questioned exactly what does this committee do? Manager Zboyovsky said they meet monthly and discuss safety issues that are going on in the various departments. Safety issues that they notice like walking around the building looking for hazards, loose carpet, etc. Also, the committee will meet for six (6) consecutive months of safety meetings. Borough Manager Zboyovsky stated the Safety Committee is in accordance with the Travelers Insurance. This Safety Committee must meet the strict criteria of the insurance company and submit all necessary paperwork in an effort to provide safety to the employees and decrease the insurance premiums.

Mayor Lockhart questioned if there is a reason why there is no Council member or myself are not involved or on this committee? Is there a reason why? Manager Zboyovsky stated based on what the Travelers Insurance Representative told me and sent me the policy, it is Borough employees, not elected officials. They are welcome to attend but they do not count for the eligibility for the state. Manager Zboyovsky explained the criteria for the Committee.

**M-28** Motion by Mr. Zimmerman, seconded by Mrs. Schade and duly carried that Council adopt Resolution No. 2010-58, Appointments to the Brentwood Borough Safety Committee, "A RESOLUTION OF THE BOROUGH OF BRENTWOOD, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA APPOINTING THE FOLLOWING TO SERVE ON THE BRENTWOOD SAFETY COMMITTEE: Borough Manager George Zboyovsky, Police Chief Robert Butelli, Public Works Supervisor Robert Mackewich, Finance Director Dawn Lane, Building Inspector Ralph Costa, Public Works Department: Dennis Chuderewicz, Administration: Mary Lou Garase and Susan Toth; Police Department: Officers Matthew DeLallo and Christian Heynes, Brentwood EMS: John Balkovec and Diane Cook, and Brentwood Fire Department: Dan Niecgorski.

Mr. Richards questioned why the Finance Director Dawn Lane and Susan Toth from Administration were appointed? Mr. Richards said Manager Zboyovsky is considered financial and I consider Mary Lou Garase in Administration. Why Dawn Lane and Susan Toth?

Manager Zboyovsky stated there are 13 official representatives on the Borough Employee Safety Committee. We need a quorum of seven (7) for six (6) consecutive monthly meetings and we must meet the criteria of the insurance company. Manager Zboyovsky stated he sent out an email requesting volunteers, for interested employees to serve on the Committee. You must remember if an employee is not available, on vacation, sick or at training; we must have additional representatives to meet the criteria of a quorum.

Mr. Johnson stated it is in the interest of the Borough to have more individuals involved on the Safety Committee, it doesn't cost us anything. I think it is better for the Borough to have more individuals being aware of safety issues.

Mr. Richards said I know it doesn't cost anything; I just have a question about these two individuals.

A ROLL CALL VOTE WAS TAKEN: Mrs. Schade, AYE; Mr. Zimmerman, AYE; Ms Boyko, AYE; Mrs. Trexler, AYE; Mr. Richards, NAY; Mr. Johnson, AYE; Mr. Wenzel, AYE. 6 AYES. 1 NAY. President Wenzel said, "Motion carried."

Chief Robert Butelli informed Council to consider the newly hired police officer according to the offer of employment letter, it must state Mr. Joshua Scott must have the Municipal Police Officer Education Training number.

**M-29** Motion by Mr. Zimmerman, seconded by Mr. Schade and duly carried that Council add a condition of employment that Mr. Joshua Scott obtain his Municipal Police Officer Education Training Certification Number. ALL AYES.

At this time, Ms JoAnn Cook read the EMS Report for the month of June 2010.

Mr. Zimmerman stated there is no Library Report and no Brentwood Volunteer Fire Department Report.

#### **16. Special Committees –**

**CONNECT** – Mr. Johnson reported on the following:

- Allegheny Forum Pittsburgh Foundation Local Government Improvement [www.alleghenyforum.org](http://www.alleghenyforum.org)
- Crisis for EMS Services – How to raise and fund the EMS
- Representatives will be visiting Council meetings within the next few months.

**3 Rivers Wet Weather Report** – Mrs. Schade said no report.

**Watershed** – Mrs. Schade said no report.



**17. Old Business**

**M-30** Motion by Ms Boyko, seconded by Mr. Zimmerman and duly carried that Council, based on the recommendation of the Brentwood Borough Facilities Feasibility Study Steering Committee, adopt Resolution No. 2010-59 accepting and approving Articles of Agreement between the Borough of Brentwood and Architectural Innovations, LLC for Architectural Services in the Borough of Brentwood associated with the preparation of a feasibility/facility study in the not to exceed amount of \$27,900.00. ALL AYES.

**M-31** Motion by Ms Boyko, seconded by Mr. Zimmerman and duly carried that Council approve the request from the Brentwood Borough Library associated with their partnering with LifeSpan Senior Services to assist with the administering of Senior programming for the Library. ALL AYES.

**18. New Business** – None.

**19. Public comment – Please try to limit remarks to 3 minutes.**

- a. Herb Sill, Bauman Ave., came before Council regarding the following:
- Resolution No. 2010-52
  - Resolution No. 2010-53

Mr. Sill questioned the location of the projects, the expected cost of the projects and the available funding, grants, ADA compliant, etc.

Mr. Sill requested Council be concerned with the condition of a sidewalk in the Elroy Avenue area where pedestrians are unable to pass. President Wenzel stated Mr. Mackewich will go to the site tomorrow. A discussion ensued regarding areas that need repair/restoration and/or replacement of sidewalks, which is the responsibility of the property owner.

Manager Zboyovsky stated these are projects based on low income and there is no guarantee the funding is available or if the Borough meets the criteria. Manager Zboyovsky said if a higher priority project comes up the money can be used for other projects.

Mr. Richards stated he voted for this but the money could have better spent at the swimming pool. It is not ADA compliant; nor handicap accessible. At that time, Council said it was not important and will look into it. I agree with you that the money could have been spent in the pool area and other places in this area need improvements.

Mr. Richards said my question is why didn't we do the pool first? President Wenzel said, can anyone on this Council remember us turning down any funding for the pool, for any kind of compliance at all? Mr. Richards asked if the pool was up to standards. Mr. Richards said Mr. Ayoob was here that night and we said if Council voted if that was an

issue we would look into it. President Wenzel said I don't recall that. Mr. Richards said I do recall that. Don't you recall that Mr. Ayoob?

Solicitor Ayoob said there was a question raised by you if I could give an opinion regarding the swimming pool and whether it is compliant to all the laws. I said I have no idea, I have never been asked to look at the issue and I won't do so unless Council asks me to do so.

President Wenzel said part of that conversation was that the Brentwood Park Initiative will in come to renovate the park. If we do it now and the BPI comes in two or three years and renovates the park; that is a waste of taxpayers dollars. President Wenzel said my wife and I go to the pool quite a bit and we have not heard one complaint from anybody about the ADA.

Mr. Johnson said this project is for "low income" areas and the Borough must meet the criteria and the guidelines.

b. Jan Russell, came before Council regarding the estate of her father William VanGelder, 247 Conson Road, requesting information why there is an issue on obtaining an occupancy permit by the Building Inspector and the safety of the structure. Ms Russell stated she is in the process of selling the property. A discussion ensued.

Solicitor Ayoob stated I am not familiar with the particulars. I will say this. If you disagree with the decision made of the Zoning Officer, you have the right to appeal that decision. The decision is a determination that you are not entitled to an occupancy permit. An occupancy permit standpoint I believe is governed by the Zoning Ordinance. After an occupancy inspection, if you don't have occupancy permit issued, I don't think that you would be able to stand by verbal comments, he said, she said. You don't have the occupancy permit. You are obviously in disagreement with the Zoning Officer's determination that a structural study needs to be done to address the shifting or moving of the foundation. If that is the case, then either you are not going to get an occupancy permit, or you have to appeal his determination. You need to appeal to the Zoning Hearing Board or to the Board of Standards.

Solicitor Ayoob said it is not my practice and it shouldn't be the Borough's practice to try legal matters at public meetings and offer advice. I will tell you this. Your attorney could have advised you what your rights are and what you need.

Manager Zboyovsky said, the Building Inspector is on vacation and not present this evening. Based on what the Building Inspector explained to me, you said it was a year ago that he came down to the site. I said was an occupancy permit application filled out, and he said no, you didn't want one at that time. As a courtesy, he went down and walked through the house. I want to ask you did you actually come up, fill out the application and pay the fee. Ms Russell said nobody said anything to me that it was up to

the real estate agency. Manager Zboyovsky said I would think the realtor would know the different criteria of the Boroughs. Manager Zboyovsky said there is an application process, get everything in writing, pay the fee, etc. Ms Russell said she is the Executrix of this property and is being stonewalled.

Solicitor Ayoob said you are actually not being stonewalled, I have sat here quiet, and you have used the words “stonewalled, games and playing around.” The truth of the matter is you have a Code Enforcement Official who thinks that there is a hazardous condition with your house and the foundation is moving.

At this time, Ms Russell interrupted and Solicitor Ayoob said if you don't agree with his decision on issuing you an occupancy permit, you have the right to file an appeal. Beyond that I don't think there is any further discussion that deals with the matter, it would be potential litigation.

Ms Russell stated the Building Inspector gave a verbal approval on an occupancy permit. Solicitor Ayoob said there is no such thing as a verbal occupancy permit.

- c. Pat Carnevale, Shadewell Ave., came before Council regarding the following:
- “No Smoking” Ordinance adopted in 2008.

Mr. Carnevale requested an opinion of the Solicitor on this ordinance and the enforcement.

Solicitor Ayoob said I am not going to give you an answer or review the ordinance. Mr. Carnevale said why not? Solicitor Ayoob said I do not represent you. I represent Council of the Borough. I have not been asked by my client to under take the task, nor do I think they want to undertake the task to give you an opinion when no one on the municipal side seems to be is questioning the police department's enforcement of the of the ordinance.

Mr. Richards said I did Mr. Ayoob. I was the one that started this no smoking at the Library. I agree with Mr. Carnevale, just like I agree with pool issue. I think it should be looked at. I think the smoking should be looked at Mr. Ayoob and I think the pool issue should be looked it.

Solicitor Ayoob said then you can understand my position, if Council doesn't want to pay me to do something...

At this time, Mr. Richards interrupted and said, there again, like you said, if someone from Council, I am asking you for the second time, and I am being denied. Mr. Richards stated at first Mr. Wenzel and the group said no we are not going to look at the pool issue; and, now they are going to say we are not going to look at the smoking issue. Why do we have a motion to have this ordinance and it is never enforced. It is never enforced.

Mayor Lockhart said when Mr. Carnevale approached me about it, I said the way the Ordinance was written it states no smoking on Borough property, he is right. There should not be smoking on Borough property. No smoking down in the park. I then said to Council look at this Ordinance again and state a designated area, away from the school, if you want smoking down in the park; then there is a designated area to smoke. Mayor Lockhart said the way the Ordinance is written it is too vague, I agree with him. It states Borough property and I think this should be reviewed. I make a recommendation for Council to review the ordinance and state a designated area, then we won't have residents complaining about it.

Solicitor Ayoob said if Council wants me to look at it. I don't do it when members of the audience request it. Solicitor Ayoob said I do what I am authorized to do. It is not for me to decide to review the ordinance.

Boyko questioned if you are referring to signage? Mayor Lockhart said yes, "This is a designated area for smoking."

Wenzel said I don't think we should look at it at this time. There hasn't been a problem anywhere. President Wenzel questioned Chief Butelli if anybody has complained about somebody smoking at the football games, at the swimming pool, and in the park or anything? Chief Butelli said no it is like a stop sign, we don't catch everybody that slips through. If somebody complains of someone smoking at a football game, they call the police, by the time they get there and they encounter someone, they would tell them about it. Chief Butelli said it is difficult to enforce; we don't have the manpower.

- Safety Committee Appointments. Mr. Carnevale questioned Council on the Safety Committee appointments.

Manager Zboyovsky said this is a volunteer committee, employees cannot be deducted or lose pay for serving on this. However, they are not entitled to an additional compensation. It is strictly volunteers! President Wenzel said what price do you place on safety? At this time, several people were talking at the same time.

d. Richard Schubert, West Brentridge Ave., came before Council regarding the following:

- D.A.R.E. Program
- EMS Report
- ADA Compliance
- Sidewalk Ordinance Enforcement

e. Sue Joseph, Pointview Rd., came before Council regarding a vacant property and a rodent (rat) infestation problem on Pointview Road.

Manager Zboyovsky and Public Works Supervisor Robert Mackewich will meet with Ms Joseph after the meeting to discuss this issue.

**M-32** Motion by Mr. Johnson, seconded by Mr. Zimmerman and duly carried that Council adjourn the meeting at 9:20 P.M. ALL AYES.

Respectfully submitted,

Mary Lou Garase  
Administrative Assistant

Mlg