

**BOROUGH OF BRENTWOOD
MINUTES OF THE AGENDA MEETING OF COUNCIL
TUESDAY, JULY 19, 2011**

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EXECUTIVE SESSION: No Executive Session

1. Call to Order. The Agenda meeting of the Council of the Borough of Brentwood was called to order by President Trexler at 6:05 P.M. on Tuesday, July 19, 2011 at the Brentwood High School Board Room.

2. Pledge of Allegiance. The Pledge of Allegiance was 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: Solicitor Thomas Ayoob III and Administrative Assistant Mary Lou Garase.

Absent: Mayor Kenneth Lockhart.

President Trexler stated on the Agenda this evening there are two Action Items.

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

- a. Pat Carnevale, Shadewell Ave., came before Council regarding the following:
 - Item No. 12 b and c – Resolution Nos. 2011-29 and 2011-30. Mr. Carnevale questioned why we no longer receive copies of the Resolutions prior to being adopted. President Trexler stated per the Agenda it states: “As part of Brentwood’s continuing efforts to promote environmentally friendly initiatives, copies of Resolutions and Ordinances will be provided on the Borough website. As always a description of the Agenda Items will be provided via the Council Fact Sheet.”

Manager Zboyovsky stated none of these documents are public record until Council acts on them. In the past, out of courtesy, we distributed copies for the residents. As President Trexler stated the Resolutions and Ordinances are on the website once adopted. President Trexler said we do have a copy for you to review now. At this time, Mr. Carnevale continuously stated that copies of Resolutions and Ordinances should be available at the meeting for the residents to read prior to adoption.

Solicitor Ayoob stated you were just given a copy of the Resolutions and that is all you are going to get. You are out of order, you should have a seat; you are disrupting the meeting.

5. Communications. None.

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

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

7. President's Report. President Trexler stated no report.

8. Mayor's Report. No report.

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

- a. Approve the Minutes of the June 22, 2011 Agenda meeting
- b. Approve the Minutes of the June 28, 2011 Regular meeting.
- c. Accept the Treasurer's Report for the Period Ending June 30, 2011.
- d. Consider payment of the bills from June 18, 2011 through July 7, 2011 from the General Fund.
- e. Consider payment of the bills from June 18, 2011 through July 7, 2011 from the Sanitary Sewer Fund.
- f. Consider payment of the bills from June 18, 2011 through July 7, 2011 from the Capital Improvement Fund.
- g. Consider payment of the bills from June 18, 2011 through July 7, 2011 from the Non-Uniform Pension Fund.
- h. Consider payment of the bills from June 18, 2011 through July 17, 2011 from the Police Pension Fund.
- i. Consider Workers Compensation Insurance renewal.
- j. Consider renewal of the Borough Building Emergency Generator Maintenance Agreement with Penn Power Systems for the period 09/1/2011 to 08/31/2012 in the amount of \$525.00.

10. Public Works Committee – Mr. Mario Richards stated the following will be considered at the Council meeting:

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

11. 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 – There is no Planning Commission Meeting in July.
- c. FYI – There is a Zoning Hearing Board Meeting scheduled for July 27, 2011 at 8:00 P.M.

12. Park and Recreation Committee - Mr. Johnson stated the following will be considered at the Council meeting:

- a. BPI Update (Fundraisers)
- b. Consider Resolution No. 2011- 29, CD Year 38 Concurring Resolution Swimming Pool ADA Improvements.

M-1 Motion by Mr. Johnson, seconded by Mr. Wenzel and duly carried that Council adopt Resolution No. 2011-29, CD Year 38 Concurring Resolution Swimming Pool ADA Upgrades” 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.” ALL AYES.

Mr. Johnson continued:

- c. Consider Resolution No. 2011-30,CD Year 38 Concurring Resolution Civic Center ADA Improvements.

M-2 Motion by Mr. Johnson, seconded by Mr. Wenzel and duly carried that Council adopt Resolution No. 2011-30 “CD Year 38 Concurring Resolution Civic Center ADA Upgrades” 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. ALL AYES.

Mr. Johnson continued:

- d. Consider authorizing the Borough Manager to advertise RFP 2011-02, Design Services for BPI Phase I contingent upon receiving approval of the RFP by the DCNR.

Manager Zboyovsky said the RFP must be approved by the DCNR. Once we receive approval by the DCNR we will advertise and the process will begin.

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

- a. Accept the Police Chief’s monthly report
- b. Consider Resolution No 2011-31 “2011/2012 Safety Committee Appointments”

Manager Zboyovsky stated the members on the Safety Committee Board are required to be appointed and trained annually. Manager Zboyovsky said there is one new member, a police officer, all members remain the same.

Mr. Zimmerman continued:

- c. Awarding Demolition Contract (Bid Opening Occurs on July 21, 2011 at 10:00 A.M.)
- d. Purchase of five (5) AED devices

14. Special Committees -- President Trexler stated reports will be given next week.

15. Old Business --

- a. Consider Removing from the Table the motion to adopt Resolution No. 2011-28 Revisions to Council Rules & Procedures -- RE: Revolving Presidency (C. Trexler)

Mr. Wenzel stated we have the power to reorganize anytime we want, next week if we want. If someone wants to be President next year they need to contact the President and state they would like the Presidency position. Mr. Wenzel said he did inquire with Whitehall and they don't put anything like this in writing, some things you do not put in writing. Mr. Wenzel cited several areas of the Borough Code and stated we are creating another document, the Rules and Procedures are unenforceable by any court of law. Mr. Wenzel continued to cite the Borough Code.

Mr. Richards stated he agrees with Mr. Wenzel.

Solicitor Ayoob said any Council can choose not to follow the Elected Policies and Procedures Manual. You can't establish rules for Council to follow if majority does not want to follow it, as long as the majority acts in a way that is consistent with the law. Mr. Wenzel said we should keep it open; that is what government is about.

Solicitor Ayoob said the President of Council has the right pursuant to Robert Rules of Order, not pursuant to Borough Code to appoint committees, to remove people from committees. What normally happens is a Policy and Procedure established by Council of a whole, is what may establish "Standing" committees. Standing committees are not like an Ad Hoc where the President might say I want to appoint a committee for a short term, temporary purpose and you three are on it. Standing committees are committees where you pre-designate it as a majority of Council that need to be filled. The President, for example, can not do away with a Standing committee if the majority of Council wanted to have a Standing committee. The President has the right to appoint individuals to the Standing committee.

Mr. Wenzel said we can govern ourselves; that is why we were elected, to govern ourselves. I think we have done a very good job of it. I think in my opinion we should take it off the Table and get rid of it. Leave it alone. Why the urgency, this is a year and a half away.

President Trexler said this resolution is a guideline for Council. Mr. Wenzel said we don't need new guidelines, we have past experience. I think this is a waste of time and energy on our part. We have pressing business and we have to work together on it. . Mr. Wenzel stated in my opinion, I think we should put it aside, let it go; and why deal with this now.

President Trexler questioned if there are any comments. President Trexler said this was put together to maintain civility and cooperation among the Council members. Mr. Wenzel said are you saying that it wasn't happening then? Mr. Wenzel said you don't normally fix something that is not broken, that is all I am saying. I mean no disparagement to anybody. You can't force somebody to cooperate and no guidelines will make that happen. President Trexler said this would give the opportunity to change after a year rather than wait two years. Solicitor Ayoob said you can do it any month, you can do it today. Mr. Wenzel said we can do that now you make a motion and that's how it happens, if they get four (4) votes, they are president. We already have the power to do that.

President Trexler said are there any other comments. Mr. Johnson said as it was just explained we don't need any more guidelines, we follow the Borough Code. Like the Solicitor said we could to it tonight if we wanted. I think we can discuss things among ourselves and I think we can disregard the guidelines.

Mr. Richards said I agree. I think as long as we have adult dialogue back and forth we should follow the Borough Code.

Mrs. Schade said I agree.

Ms Boyko said I think we are of the same consensus.

President Trexler said this will be taken off the Agenda for next week.

Solicitor Ayoob said when the motion is on the Table, it means to lay it aside to be considered later, if nobody makes a motion to take off the Table to be considered then perpetuity only makes a motion if you want to act on it.

16. New Business – None.

17. Public Comment – Please try to limit remarks to 3 minutes.

- a. Herb Sill, Bauman Ave., came before Council regarding the following:
 - Council should do encourage residents to attend the meetings, not attend to make complaints.
 - Requested copies of Resolutions and Ordinances are available for those residents that do not have computers.

- Place an ad in the South Hills Record regarding the many issues going on within the Borough, Feasibility Study, Brentwood Park Initiative, 4th of
- July 5-K Race and Parade to educate the residents on what is going on in the community requesting their support..
- Resolutions and Ordinances are adopted and they are not enforced.

Mr. Johnson commented said the only ones that are interested in what is going on in the Borough are the people that are interested. If they are not interested, they are not going to show up. Brentwood Park Initiative, for three years, we have maybe a dozen people that show up for meetings and only eight people that participate in this million dollar project. People don't care or they would be here. Mr. Johnson said because of the smoking ordinance, if we stop one person that smokes in the park then that is a good ordinance. Mr. Johnson said you can't blame Council for not guiding people to the meeting, it's the people that come to the meeting.

Mr. Wenzel said there are probably more people in this Borough that has a computer than get the newspaper delivered to their home. Manager Zboyovsky has the information on the website. Mr. Wenzel said if you want to know what is going on in this Borough, you will find out.

Manager Zboyovsky said he is all for transparency and this Borough Council go above and beyond. The advertisement for the Public Hearing was in the South Hills Record twice, as required, it was on the Borough website and on the calendar. We sent more than 40 letters to elected officials and organizations, it was in church bulletins. We contacted the news media and local officials from Baldwin and Whitehall. We did this as a courtesy to let them know it may affect them. Also, we sent it to City of Pittsburgh Councilwoman Rudiak. Manager Zboyovsky said I think they appreciate that; we do go above and beyond notification. If it doesn't affect you personally, you don't want to give up an evening to listen to Resolutions, etc.

Mr. Sill continued:

Mr. Sill said for the people that do come to the meetings, you discuss items that we have no knowledge of at all.

Manager Zboyovsky said an example is we just discussed not to do anything with the Resolution that we discussed last week, it is not a public document until Council adopts it. Manager Zboyovsky said the Council Fact Sheet summarizes the Resolutions and Ordinances.

Mr. Wenzel said can we pass out the resolutions before we act on them? Solicitor Ayoob said we can, but we are not obligated to.

Mr. Zimmerman said something has bothered him lately, nothing against anybody in this room. People who are willing to serve the community get on the ballot to serve. This time, there is only one person that went through the proper channels, everybody got written in. The people who want to do something in their community will do it even if they are write-ins or a person who goes through the proper channels. Mr. Zimmerman

said you have to love this community to do this. If not, then forget about it. A discussion ensued.

Mr. Sill said the people on Council deserve a lot of credit because it is a thankless job. You put in a lot of time and effort in dedicating your time in running the Borough. I applaud you for what you do and I think we should promote people to come to the meeting.

President Trexler said when the School Board had the budget available for review and public comment they did not have it available on the website. It had instructions that you had to go to the Superintendent's Office or the Brentwood Library. It created an inconvenience for me because it was not on the website and not available on paper.

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

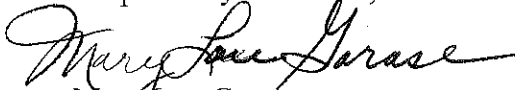
- Article in the South Hills Record (Paid Parking Tickets)
- Purchase of 10 Marylea Avenue property
- Minutes – May 24, 2011 - 10 Marylea Ave. property

Mr. Johnson said real estate is an Executive Session item and not for a public meeting; any purchase of real estate is discussion for an Executive Session, not for public meeting.

18. Adjournment.

M-3 Motion by Mr. Wenzel, seconded by Mr. Johnson and duly carried to adjourn the meeting at 7:50 P.M. ALL AYES.

Respectfully submitted,



Mary Lou Garase
Administrative Assistant