

**BOROUGH OF BRENTWOOD
MINUTES OF THE AGENDA MEETING OF COUNCIL
TUESDAY, JULY 17, 2012**

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EXECUTIVE SESSION: President Wenzel stated an Executive Session was held prior to this meeting to discuss personnel and contractual issues. 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 7:30PM, on Tuesday, July 17, 2012 in the Council Chambers.

2. Pledge of Allegiance.

The Pledge of Allegiance was recited by all in attendance.

3. Roll Call.

The following answered roll call: Mr. Pat Carnevale, Mr. Charlie Johnson, Mrs. Ann Schade, Mr. Rich Shubert, Mr. Marty Vickless, Mr. Clyde Zimmerman and Mr. David Wenzel.

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

Absent: Mayor Ken Lockhart

4. Special Presentations

a. Gateway Engineers, Mr. Michael Skinner, came before Council to discuss the Sanitary Sewer Feasibility Study. He stated that several large scale capital projects are required per the terms of the EPA-ALCOSAN Consent Agreement. He reported that ALCOSAN has directed municipalities to undertake two and ten year design projects.

Mr. Skinner stated that draft reports are required by the end of July for complex points of connection, of which Brentwood's Saw Mill Run and Streets Run Watersheds fall into this category. Pittsburgh officials will be taking the lead on the Streets Run report and in future construction. Costs have been projected based on different capacity scenarios as measured in the number of projected overflows per year. Mr. Vickless asked if each overflow has a cost figure, and Mr. Skinner replied that costs are purely calculated in terms of infrastructural upgrades.

Mr. Skinner stated that each municipality is required to submit a Letter of Understanding regarding the sanitary sewer upgrades. This letter does not bind the Borough to spending a particular dollar amount at this time. Mr. Skinner also provided maps outlining the extent of sewer construction. He stated that it is more cost effective for the Borough to undertake sewer upsizing rather than building a relief sewer.

Mr. Skinner stated that Whitehall will be leading the report for the Saw Mill Run Project. Upsizing will be the preferred option for this project. Because differences between upgrading sewers to handle two year and ten year peak storms are marginal, it is likely that the State DEP will require the more expensive improvements to be made.

Mr. Skinner stated that ALCOSAN has already undertaken an affordability analysis and that there is a \$1.6 billion dollar gap between what the region can reasonably afford and the cost of the upgrades that are required to meet federal standards. This gap could lead to future changes in the scope of the Borough's projects.

Mr. Skinner stated that Agreements will be required among each municipality on a targeted watershed. He also stated that the Borough must develop a plan for financing their contributions.

Mr. Johnson asked if there is a potential that storage facilities will be constructed in Brentwood. Mr. Skinner responded negatively. He stated that long term maintenance costs would be more expensive if this type of system is used.

Mr. Schubert asked if costs are based upon flow contributions to the basin. Mr. Skinner responded that costs will instead be based on infrastructural needs. Municipalities that are farther upstream will incur greater costs. Mr. Schubert also asked if any lines can be maintained at current capacity. Mr. Skinner responded that all lines in these watersheds are undersized.

b. Hosack, Specht, Muetzel & Wood, Mr. John Zivkovic, presented on the 2011 Borough Audit. He stated that, at the end of 2011, the General Fund had \$2.2 million dollars in assets and \$524,000.00 in Liabilities. Revenues at the end of the year were approximately \$5 million dollars, while Expenditures were \$4.8 million dollars. As a result, the Borough's overall Fund Balance increased in 2011. He stated that the Borough's overall Fund Balance exceeds 10% of Expenditures, which is a healthy figure.

Mr. Zivkovic also reviewed Borough long term debt. He stated that \$1.6 million dollars is outstanding in General Obligation Bond payment. In 2012, \$328,000.00 will be paid in principal and interest on these bonds and \$40,000 will be paid on long term leases.

President Wenzel asked Mr. Zivkovic if he concluded that the Borough is financially sound?. Mr. Zivkovic said yes.

4. Public Comments on Agenda Action Items. None.

5. Communications. None.

6. 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. EMS
- f. BVFD
- g. Solicitor
- h. Borough Manager
- i. Council President
- j. Mayor

7. Administrative and Finance Committee. Mr. Schubert stated the following will be considered at the Council meeting:

- a. Approving Minutes of the June 12, 2012 Strategic Planning Meeting.
- b. Approving Minutes of the June 19, 2012 Agenda Meeting.
- c. Approving Minutes of the June 26, 2012 Regular Council Meeting.
- d. Accepting the Treasurer's Report for the period ending June 30, 2012.
- e. Payment of the bills from June 13, 2012 through July 12, 2012 from the General Fund
- f. Payment of the bills from June 13, 2012 through July 12, 2012 from the Sanitary Sewer Fund.
- g. Payment of the bills from June 13, 2012 through July 12, 2012 from the Brentwood Park Initiative Fund.
- h. Payment of the bills from June 13, 2012 through July 12, 2012 from the Capital Improvement Fund.
- i. Payment of the bills from June 13, 2012 through July 12, 2012 from the Non-Uniform Pension Fund.
- j. Payment of the bills from June 13, 2012 through July 12, 2012 from the Police Pension Fund.
- k. Approval of the Workman's Compensation Insurance Agreement.
- l. Approval of the Emergency Generator Maintenance Agreement with Penn Power Systems.
- m. Approval of Resolution 2012-36 regarding the Delinquent Sewer Billing Agreement with Jordan Tax Service.

Mr. Carnevale asked how Council can know under which line item each purchase is made. Manager Zboyovsky stated that each bill is directly tied to a particular fund. He

stated that a report can be generated showing the remaining balance of each line item. Mr. Carnevale asked why the budgetary sheet showing Revenue provides so much more detail than the Expenditure sheet. Manager Zboyovsky replied that the new report that he can issue will entail that same level of detail on the Expenditure side. President Wenzel explained the differences among anticipated revenues, year-to-date revenues, and current monthly revenues on the balance sheet. Manager Zboyovsky stated that the ProSoft financial software does not feature reports that are intuitive to individuals who are not familiar with government finances.

Mr. Carnevale asked if the Unemployment Compensation rate is correct on the budgetary sheet. Manager Zboyovsky responded affirmatively.

Mr. Carnevale stated that the Borough asserts that no money is spent on the Fourth of July festivities and that he feels that these statements are misleading. Manager Zboyovsky stated that he will provide figures on total overtime outlays for the holiday. President Wenzel replied that the statement means that the Borough does not contribute to the cost of the festivities themselves, not necessarily that the municipality makes no contribution to crowd control, clean-up, etc.

8. Public Works Committee. Mr. Vickless stated the following will be considered at the Council meeting:

- a. Accepting the Public Works Supervisor's report.
- b. Submitting the EPA-ALCOSAN Consent Degree Letter of Understanding.
- c. Awarding contracts "A" and "C" of the Swimming Pool ADA Project to Investment & Enterprises in the amount of \$22,600.00 for Contract "A" and \$8,780 for Contract "C."
- d. Awarding the Sanitary Sewer and Emergency Repairs Contracts as follows: Contract "A" to Soli Construction in the amount \$175,865.00, Contract "B" to Robinson Pipe Cleaning in the amount of \$261,957.00 and Contract "C" to Fleming-Walker in the amount of \$57,846.00.
- e. Authorizing payment to Gateway Engineers for additional engineering services associated with Sewer Defect Repairs in an amount not to exceed \$35,200.00.

Mr. Carnevale asked as to the purpose of Gateway Engineers' involvement with surveying over the preceding weekend. Manager Zboyovsky stated that Gateway is already undertaking surveying for the Phases I & II of the Brentwood Park Initiative and that they will be bidding to perform work for the remainder of the park project. He stated that additional work will not be performed by Gateway without a Work Authorization from Council.

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

- a. Accepting the Building Inspector's report.
- b. Adopting Ordinance 1206-2011 regarding Airport Hazard Zoning.
- c. Adopting Resolution 2012-37 regarding a Billboard Moratorium.

Solicitor Ayoob asked as to the purpose behind the Billboard Moratorium Ordinance.

Manager Zboyovsky stated that as part of the current rezoning project, the Borough would like to certain that the status quo of having no billboards in the Borough remains.

Solicitor Ayoob stated that more research is required to determine if this action is lawful.

Mr. Vickless asked if the Zoning Ordinance currently addresses billboards as a use. Solicitor Ayoob responded that he is not sure what language is used to address this issue.

Manager Zboyovsky stated that the goal of the moratorium is to prevent eyesores that generate minimal revenue for the Borough and that the moratorium is consistent with the aims of Economic Development South's beautification projects.

Mr. Zimmerman asked if the new zoning ordinance could prevent billboards in the Borough.

Solicitor Ayoob responded affirmatively but stated that the moratorium is a stopgap that would be used into that ordinance is enacted. Per Council request, he stated that he will perform research on the moratorium's legality.

President Wenzel stated that the Airport Hazard Zoning Ordinance number is incorrect in the Agenda packet and that it should actually be No.1206-2012.

Mr. Schubert inquired as to the vacancy on the Zoning Hearing Board. Manager Zboyovsky replied that alternate members have traditionally been appointed to complete an unexpired term.

10. Parks and Recreation Committee. Mr. Johnson stated that the following will be considered at the Council meeting:

- a. Authorizing a Special Meeting with J.T. Sauer & Associates regarding the Brentwood Park Initiative Proposal.
- b. Authorizing Gateway Engineers to perform Surveying for Phases I & II of the Brentwood Park Initiative Project.
- c. Transfer from the Operating Reserve Fund to the Brentwood Park Initiative Fund of \$20,000 for the surveying of the park.
- d. Authorizing Gateway Engineers to perform a complete Survey of the Park in an amount not to exceed \$20,000.

- e. Scheduling the next Brentwood Park Initiative Workshop/Meeting for August 7, 2012.

Mr. Carnevale commented that the meeting with J.T. Sauer should be open to the public. President Wenzel stated that it will be at Public Meeting.

Mr. Carnevale stated that signage should be placed in the park indicating that the pool is handicapped accessible. Manager Zboyovsky stated that language is being added to the pool rules indicating that it is accessible. He also stated that policies are being drafted regarding access to the pool area for assistance to disabled individuals. Mr. Wenzel stated that Council will approve the language of these updates.

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

- a. Accept the Police Chief's monthly report.
- b. Adopting Resolution 2012-33 accepting Officer Milton Mulholland III, request to be removed from his status as the Borough's Canine Officer.

M-1 Motion by Mr. Zimmerman to accept the request from Milton Mulholland to be removed as the Canine Handler.

Solicitor Ayooob stated in order to do this you have to adopt a Resolution.

M-2 Motion by Mr. Zimmerman, seconded by Mrs. Schade that Council adopt Resolution No. 2012-33 accepting the request from Milton Mulholland to be removed as the Canine Handler.

Solicitor Ayooob stated the Resolution that had been previously drafted and circulated at the last meeting, Resolution No 2012-33, so that you and Council are aware of what you are voting on. Solicitor Ayooob read last two paragraphs, right before the adoption clause.

Solicitor Ayooob stated that the text of the resolution also allows the Borough to reassign Canine duties to an alternative officer. Mr. Vickless questioned what will happen to the dog if no other officer agrees to take on Canine duties. A lengthy discussion ensued

President Wenzel stated that such question will be answered at a later date if necessary.

Mr. Vickless questioned why Council was moving so quickly to pass this resolution.

President Wenzel stated that the goal was to perform the vote before a full session, as Mrs. Schade will be absent from the next meeting. He stated that Council could vote not to accept Officer Mulholland's letter, which would allow the issue to be settled through the union and Borough management.

President Wenzel stated if you vote yes on the motion it would be to accept the Resolution, which accept the letter of resignation; however, if you vote no to the motion states that we do not accept the Resolution and Officer Mulholland remains the Canine Officer for the Borough of Brentwood.

President Wenzel called for additional comments. None. President Wenzel called for a vote.

A ROLL CALL VOTE WAS TAKEN: Mr. Johnson, NAY; Mrs. Schade AYE; Mr. Zimmerman, AYE; Mr. Carnevale, NAY; Mr. Vickless, NAY; Mr. Schubert; NAY; Mr. Wenzel, NAY. 5 NAYS. 2 AYES. President Wenzel said, "The motion doesn't carry and he will remain the Canine Officer for the Borough of Brentwood."

- c. Authorizing the promotion of two officers to the position of Sergeant per the guidelines of the Civil Service Commission.
- d. Approving a meeting with Baldwin Borough regarding pursuing a Police Department Study through the DCED.

Mr. Vickless asked Manager Zboyovsky if there is pending litigation against Baldwin Borough regarding improperly promoting police officers because of training issues or lack of training. Manager Zboyovsky stated that the litigation is regarding the process of hiring associated with when they were given the medical and psychological testing. In summary, they had three (3) candidates up for promotion; Council was split on the top two (2) so to make everyone happy they promoted the top two (2) first, they don't put the contingency of upon successfully passing the medical testing. The third candidate is the one that is filing the lawsuit saying the EEOC requirements were violated and had nothing to do with the training.

Mr. Schubert asked for a copy of the information on the Scope of the DCED Grant. Manager Zboyovsky stated that gaining more information is contingent upon the initial meeting with Baldwin Borough.

President Wenzel stated this is not going to be a joint Council meeting; therefore, I am directing the Public Safety Committee to meet with Baldwin Borough and to report back on the results of the discussion. The Public Safety Committee consists of Mr. Zimmerman, Mr. Vickless and Mr. Carnevale.

Mr. Carnevale questioned the need for promoting two officers to Sergeant. President Wenzel stated that this will remove the need for appointing an Officer-in-Charge on shifts in which a Sergeant is not present. Mr. Carnevale stated that the Police Contract does not allow for a Sergeant to work the daylight shift, as the Chief of Police is already the commanding officer during this period. President Wenzel stated that Chief Butelli will be questioned as to the need for the third Sergeant at the regular meeting.

Mr. Schubert stated that appointing a third Sergeant may provide the department with an officer who can run the office during times in which the Chief or another Sergeant is not present at the department. Mr. Carnevale stated that there is no requirement that a Sergeant cover every shift turn.

11. Community Affairs Committee. Mr. Carnevale stated that the following will be considered at the Council meeting:

- a. Amending the Borough Facilities Policy to allow dogs and bicycles in the park.

Mr. Carnevale stated that the park is underutilized and that allowing dogs and bicycles will cause the park to be more inviting for residents. He also stated that bicyclists already routinely violate the present ban. Mr. Vickless stated that he supports these policies as long as leash and feces disposals laws are enforced. He proposed requiring dogs to be muzzled to prevent biting incidents.

President Wenzel stated that he supported allowing bicycles but he believed that allowing dogs in the park is a bad policy because owners will fail to clean feces.

Mr. Carnevale stated that the crossing guard who is stationed near the park should be charged with enforcing the dog regulations.

Mr. Zimmerman stated that the park already has a problem with residents allowing dogs to roam freely without leashes.

Mr. Carnevale stated that current policies have reduced the family friendliness of the park and have caused even the pool to be underutilized.

Mr. Vickless stated that South Park allows for residents to bring dogs and that it has few detrimental effects. He stated that the park is a safer environment for walking a dog or riding a bike than borough streets.

Mr. Schubert questioned as to how residents would be prevented from riding bicycles on the ball fields, track, etc.

President Wenzel suggested that the park instead be equipped with bicycle stands so that residents could ride bicycles to the park to engage in other activities.

Mr. Vickless stated that allowing dogs and bicycles could be combined with other policy changes to attract more residents, such as allowing residents to use cookout grills.

Mr. Schubert suggested engaging the public to better market the park.

Mrs. Schade questioned whether grills would be subject to vandalism.

12. Old business.

President Wenzel stated that the next Strategic Planning Meeting will take place on August 14, 2012 at 7:00 P.M. Architectural Innovations will present regarding proposals for the New Municipal Complex.

13. Public comment.

Ms. Lisa Machado, Cloverlea St., came before Council and stated that expensive upgrades will not increase use of the park by residents. She stated that current facilities policies are too restrictive and deter residents from using the park as a place for recreation. She stated that ordinances are already in place to fine owners who do not leash their dogs or clean up feces. She commented that with proper ordinance enforcement there would be few problems with dogs in the park.

14. New business.

Manager Zboyovsky discussed the IT portions of 2013 Borough Budget. He stated that IT service expenditures for 2012 are anticipated to be slightly lower than the budgeted amount. General computing supplies, internet, contracted network and software, and web design costs will remain the same for 2013. Computer hardware costs have been raised per the suggestion of the Borough's IT consultant. Overall software costs will be increased due to the replacement of EGov with SeeClickFix, as well as because of Microsoft Office upgrades. Police hardware allotments will remain the same, while a decreased amount will be budgeted for police software. Overall, IT costs have been increased by 5%.

Mr. Vickless asked about future hardware needs. Manager Zboyovsky responded that, after 2013 purchases, it should be several years before the Borough needs to make significant hardware acquisitions.

Manager Zboyovsky discussed the engineering consulting section of the 2013 Budget. Overall expenditures are planned to be equal to 2012 costs. Mr. Vickless asked as to what happens to monies when a particular line item comes in under budget. Manager Zboyovsky stated that these monies serve to increase the Borough's Fund Balance and then can be transferred for other uses.

Manager Zboyovsky discussed the Borough Building maintenance portion of the 2013 Budget. Operating supplies and electricity costs will remain unchanged from 2012. Mr. Zimmerman asked if, under the new electricity contract, the Borough will be reimbursed if lighting upgrades do not save the Borough money. Manager Zboyovsky responded affirmatively.

Manager Zboyovsky stated that heating, water, machinery maintenance, special equipment rental, and contract services costs will remain unchanged. Heating maintenance will be increased based upon the needs of aging equipment.

Manager Zboyovsky discussed the BVFD section of the 2013 Budget. Vehicle fuel, liability insurance, hydrant maintenance, membership dues, and the Borough's cash contribution will remain unchanged.

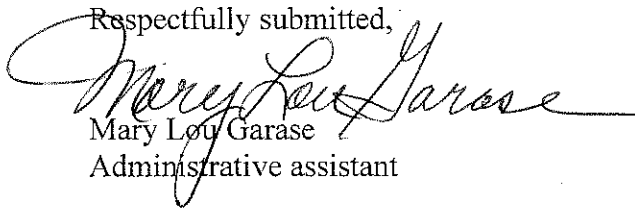
Mr. Carnevale stated that PA American Water should be contacted to increase the frequency of hydrant inspection. Mr. Schubert asked if the BVFD reports the uses of the direct cash contribution, and Manager Zboyovsky stated that the Borough is trying to increase the quality BVFD documentation.

Manager Zboyovsky discussed the EMS portion of the 2013 Budget. He stated that 2012 expenditures should come in under budget. Vehicle fuel, liability insurance, and the Borough's cash contribution will remain unchanged. Mr. Schubert asked as to the quality of EMS reports on the uses of the cash contribution, and Manager Zboyovsky stated that the EMS documentation is generally quite detailed.

Manager Zboyovsky stated that the Borough is permitted to institute an EMS and Fire Department Tax only if the Borough has surpassed the maximum property tax millage rate.

M-2: Motion by Mr. Carnevale, seconded by Mr. Vickless, and duly carried to adjourn the meeting at 10:00 P.M. ALL AYES.

Respectfully submitted,



Mary Lou Garase
Administrative assistant