

**BOROUGH OF BRENTWOOD
MINUTES OF THE AGENDA MEETING
TUESDAY, OCTOBER 14, 2008**

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EXECUTIVE SESSION:

1. Call to Order. The Agenda meeting on Tuesday, October 14, 2008 was called to order by Council President Jay Lieb at 7:30 P.M.

2. Pledge of Allegiance: The Pledge of Allegiance was recited by all those present.

3. Roll Call: The following answered roll call: President Lieb, Vice President Ann Schade, Mrs. Dawn Synborski, Mr. Richard Bender, Mrs. Janice Boyko, Mr. David Wenzel and Mr. Mario Richards.

Also Present: Mayor Kenneth E. Lockhart, Solicitor Robert G. Xides, Jr., Manager George Zboyovsky and Administrative Assistant Mary Lou Garase.

At this time, State Senator Wayne Fontana presented Council with a check in the amount of \$12,000, a Grant from the PA Department of Community and Economic Development, for the K-9 dog and training program. Officer Milton Mulholland III, K-9 Handler, was present with "Duke" the new K-9 dog. Council thanked Senator Fontana for securing the grant and enabling the K-9 Program to continue in Brentwood.

4. Public Comments on Agenda items only.

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

- No. 8-L - Healthcare Buy-Back Policy.
- No. 8-M - New Life and Long Term Disability Insurance.
- No. 8-O - Resolution No. 2008-24 – Disposition for Destruction of Specific Records as listed.
- No. 8-P- Public Records Administrator
- No.11-C- Dukes Concession Stand Agreement
- No. 12-B- Ordinance No. 1171 – Exclusion from Solicitation
- No. 12-C- Advertising Ordinance No. 1173 – Warrantless Arrests

5. Communications. None.

6. Department and Borough Manager Reports: President Lieb stated the following reports will be accepted at the Council meeting:

a. Public Works Supervisor's monthly report.

- b. Building Inspector's monthly report.
- c. Engineer's monthly report.
- d. Police Chief's monthly report.
- e. Solicitor's monthly report.
- f. Borough Manager's monthly report.

7. Mayor's Report – No report at this time.

8. Administrative and Finance Committee – Mr. Bender stated the following will be considered and acted upon at the Council meeting.

- a. Approval of Minutes – September 23, 2008 Council meeting
- b. Ratify the Payment of Bills from the General Fund.

At this time, Mr. Wenzel questioned the Solicitor's regarding the invoice item "Commercial Speech" Chapter 194 of the Brentwood Code. Solicitor Xides stated that relates to the Exclusion from Solicitation Ordinance.

Mr. Wenzel stated he would like to get a total on Page 3; it was billed again concerning the two separate bank accounts. Mayor Lockhart stated both accounts were closed. A discussion ensued.

Mr. Wenzel stated we were charged again \$25.00 for closing those two accounts. Mr. Wenzel said he would like at the next meeting to have a total of what we had to pay the Solicitor to do the work to close those accounts. By the time they made mention of them, the accounts were down to a couple of hundred dollars. Mayor Lockhart said the \$25.00 was from the Solicitor for reading my letter stating that I closed the two accounts. A discussion ensued.

Mr. Wenzel said he would like for the next meeting, to know the amount of money in the account and what the dollar value of the Solicitor's fees were.

Mr. Wenzel commented on one of the lawsuits, I won't mention names, it is public record, and it is a public document.

Solicitor Xides stated if you are dealing with a complaint that was filed in court, it is a public document. There are some things in the lawsuit that are private, and some things that are not.

Mr. Wenzel questioned why is our attorney involved in it? Mr. Wenzel said the Borough is being sued, we have an attorney from the insurance company that is being paid, plus we have our own. President Lieb said I think

Solicitor Gobel answered that last month. Solicitor Gobel was requested by the insurance company to represent the Borough, he is the Borough Solicitor. Mr. Wenzel said he didn't see any written document. President Lieb said the insurance company requested Solicitor Gobel attend these meetings.

Mr. Bender continued with the Administrative and Finance Committee:

- c. Ratify the Payment of Bills from the Sewer Fund.
- d. Ratify the Penn Vest Bond Issue.
- e. Ratify the Non-Uniform Pension Fund.
- f. Ratify the Police Pension Fund.
- g. Accept the Revenues for the General Fund: Real Estate, Delinquent Real Estate, Earned Income, Local Service Tax and District Magistrate.
- h. Accept the Revenues for the Sewer Fund: Sewage and Delinquent Sewage.
- i. Consider IT/Computer Service Agreements.
- j. 2008 Joint Bid for Solid Waste Collection and Disposal
- k. Advertise RFP for Energy Initiative
- l. Consider the Healthcare Buy-Back Policy.
- m. Consider new Life and Long Term Disability Insurance.
- n. 2009 Budget Workshop No. 1 – Tuesday, October 21, 2008 at 6:00 P.M. (1)
- o. Consider Resolution No. 2008-24 – Disposition for Destruction of Specific Records as listed.
- p. Public Records Administrator
- q. Borough Manager's 2009 Employment Agreement.

Mr. Wenzel questioned Mr. Bender regarding 8-N- the 2009 Budget Workshop, will this be a public meeting and will it be advertised? President Lieb said, yes.

President Lieb stated he has some questions regarding the 2008 Joint Bid for Solid Waste Collection.

At this time, Mr. David Smith, General Manager of Allied Waste in Scottdale, will address Council's questions on the SHACOG bid tabulations. Mr. Smith distributed a spreadsheet regarding bids based on per unit and per tonnage for trash removal, recycling, leaf collection and bulk collections. This bid result is based on a five (5) year contract.

Several Council members questioned Mr. Smith regarding the current billing, delinquent billing, rate per unit and tonnage rate. Mrs. Synborski said

Allied Waste would bill the homeowners. Mrs. Synborski questioned if Allied Waste would be doing the billing for the delinquent accounts. Mr. Smith said, yes, it is addressed in the bid specifications and you may want to review that language. President Lieb said the delinquent accounts are for you to handle. Mrs. Synborski said she wants it verified that Allied Waste will be doing the delinquent billing. Mr. Smith stated the delinquent bills will be sent out by Allied Waste.

President Lieb questioned Mr. Smith if it is more economical to go per unit or per tonnage? Mr. Smith said the spreadsheet indicates it is more economical for Brentwood to go tonnage. A discussion ensued regarding tonnage vs. per unit, single-sort recycling, billing to vacant dwellings, tenants in apartment buildings, etc. Mr. Smith calculated the quarterly billing is an increase of less than one dollar, per quarter. Current cost: \$28.75 per quarter and the new rate with the increase would be \$29.66 quarterly, based on the tonnage rate.

At this time, comments were made from the following residents:

- Clyde Zimmerman, Grayson Ave., regarding credit from recycling, as in the past. Mr. Smith stated the hauler takes the risk regarding recycling by estimating the cost and it is considered into the rate.
- Sue Lockhart, Shadewell Ave., regarding unit and tonnage pickup. Ms Lockhart said it is important to have a correct listing of apartments, single dwellings and duplexes to control the number of households that are being billed for service. Mr. Smith stated Allied Waste has a complete list of residents; however, there are times when we hear of a resident not on the list and it is investigated. If contracted with a private hauler, a contract is to be on file in the Borough office.
- Herb Sill, Bauman Ave., commented when a dwelling is not occupied, call the hauler and the account will be closed until the dwelling is occupied. Mr. Sill questioned how the tonnage is controlled. Mr. Smith explained the process on how the tonnage is determined.

Mr. Smith stated he will be in contact with Manager Zboyovsky regarding the options of the contract.

9. Public Works Committee – Mrs. Synborski stated the following will be considered at the Council meeting:

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

- b. Consider payment to T.A. Robinson Asphalt Paving for the Brentwood Parking Lot Reconstruction Project in the amount of \$283,977.56. A 5% retainage is being withheld until completion of the project.
- c. Consider payment to T.A. Robinson Asphalt Paving for the Dailey Road Reconstruction Project in the amount of \$74,417.00. A 5% retainage is being withheld until completion of the project.
- d. Consider Change Order for Wainwright Avenue Wall/Sidewalk Reconstruction Project.
- e. Consider Work Authorization for Gateway Engineers Additional Construction Administration & Inspection Services for East Bellecrest Avenue in the amount of \$5,000.00.
- f. Consider the payment to Magnolia Construction for East Bellecrest Avenue Reconstruction, Estimate No. 2 in the amount of \$168,235.85. A 5% retainage is being withheld until completion of the project.

Mayor Lockhart questioned the amount payable to Magnolia Construction in the amount of \$302,219.93. Manager Zboyovsky said that is the recommended amount to date. President Lieb commented on the savings due to reconstruction of the plans for East Bellecrest Avenue.

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

- a. Accept the Building Inspector's monthly report.
- b. Two seats expire on December 31, 2008 on the Planning Commission Board (Mr. Wooten and Mr. Hall.)
- c. Ordinance No. 1172 – Amending Chapter 177 – Stormwater Management.
- d. FYI – The Planning Commission will meet on Thursday, October 16, 2008 at 7:30 P.M. and there is no Zoning Hearing Board meeting in October.

Ms Boyko questioned if Mr. Wooten and Mr. Hall have the option of staying on the Planning Commission Board if they wish or do you advertise the vacancy. Mrs. Synborski said, in the past, the individual would be asked if they want to remain on the Board; if so, they were sworn in for four years, the length of a term. The individuals are to submit in writing to Council if they want to remain on the Board or if they want to leave. Once the paperwork is received, and the individuals do not wish to remain on the Board, Council would then advertise the vacancy on the Board.

11. Park and Recreation Committee – Mrs. Schade stated the following will be considered at the Council meeting:

- a. Borough facilities:
 1. AARP Chapter 2517 – Community Room for 2009 monthly meetings.
 2. Collective Efforts, LLC, Re: Community Room for ALCOSAN Upper Monongahela Basin Planning meeting.
 3. BAA –
 - a. Requesting Community Room/Civic Center for 2009 monthly meetings.
 - b. Requesting Community Room for two additional days per month if necessary, for registration, etc.
 - c. Requesting to park vehicle at upper fields, (off the road) and at the side of the road near Dailey Field.
 4. Brentwood Girl Scouts Troop 1203 – Requesting Community Room for Halloween Party.
- b. Borough facilities rental form.
- c. Dukes Concession Stand Agreement
- d. FYI – Update on BPI Meeting/Workshop. (1)

Mr. Richards questioned Mrs. Schade if the Dukes Concession Stand Agreement is a yearly agreement? Manager Zboyovsky said the agreement was distributed this evening and the agreement is for 10 years.

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

- a. Accept Police Chief's monthly report.
- b. Consider adoption of Ordinance No. 1171 – Exclusion from Solicitation
- c. Consider the advertising for Ordinance No. 1173 – Warrantless Arrests

Mayor Lockhart said the Ordinance 1173, written by Solicitor Gobel, is already in the Police Policy and Procedure Manual and it states the Guidelines by governmental body. The right of arrest without warrant under this section shall be permitted only after the governmental body employing the police officer promulgates guidelines to be followed by a police officer when making a Warrantless Arrest under this section.

Mayor Lockhart said the ordinance that Solicitor Gobel made is almost word for word in the police manual. The Policy and Procedure Manual initially approved by Brentwood Borough Council – April 2000 and revised: March

2005, July 2005, March 25, 2008 with Resolution No. 2008-06. Mayor Lockhart said there is already a Resolution on this. I don't know what it will cost the Borough on this. Mayor Lockhart said Solicitor Gobel should have talked with the Chief of Police on this. President Lieb said there may be some differences. Mayor Lockhart said when you get the bill for this, scratch it off the invoice. Mayor Lockhart said he will give a copy to all of Council to review. President Lieb requested Manager Zboyovsky contact Solicitor Gobel regarding this.

Mr. Wenzel commented I thought Solicitor Gobel worked for Council. Why did he go and write this up, at whatever price he is going to charge, and not be authorized by Council. President Lieb said by being the Borough Solicitor he has the authority. Mr. Wenzel said he never called the Chief of Police or the Mayor. Do we have to pay him? President Lieb said Manager Zboyovsky will contact Solicitor Gobel regarding this.

Mr. Wenzel commented there was an incident last week where two women were grabbed on Brownsville Road. Due to the Police Chief asking Officer DeLallo to follow up a couple of leads, he picked up the guy at that time. So I commend Police Chief Butelli and Officer Matthew DeLallo for their swift work in solving this problem. Mayor Lockhart thanked the person that saw the incident and came forward with information leading to the apprehension of the actor.

13. Special Committees –

- **ACBA** – Mrs. Synborski is the Delegate and Mrs. Schade is the Alternate. The next meeting is on October 29, 2008 and a meeting on November 13, 2008.
- **BBOA** – President Lieb stated the October Fest was a success. The BBOA received a grant for \$85,000.00. President Lieb stated he received a check for the wages for the crossing guard while working the festival. Light up Night is on November 21, 2008 on Brownsville Road.
- **EDS** – Mrs. Schade said there is a meeting as we speak. Ms Boyko said Delta Development will be coming in to work with five Boroughs along Route 51 to do a study for Route 51 transportation initiative. Possibly hire an Executive Director to oversee the project.

LIBRARY BOARD – Mrs. Schade said she was not at the last meeting, due to a schedule conflict. Ms Boyko said the Carnegie Library wants to come in and take over the EIN technology at

- several Libraries. The Brentwood Library Board is conducting a letter writing campaign stating their opposition to this. Ms Boyko said the next meeting is in November.
- **SHACOG** – Mr. Wenzel stated the next meeting is Thursday, October 16, 2008.
- **WATERSHED** – Ms Boyko said the next meeting is on Thursday, October 16, 2008.

14. Old Business – President Lieb stated he contacted State Representative Readshaw's office regarding available money for residents that had damage or no power during the last severe storm. Representative Readshaw stated there is no money available, only in the threshold of millions of dollars. A thank you letter was sent to Representative Readshaw for his assistance and information.

Ms Schade said several places in Brentwood recycle newsprint, the schools, St. Sylvester School, Brentwood Presbyterian Church and St. Peter's church. Also, the aluminum cans are collected for the skateboard park.

15. New Business – Mr. Wenzel commented that it was stated last week concerning smoking in the park, at the football games, in the stadium, etc. I would like to notify the school to make an announcement at the football games that the smoking ordinance will be enforced. Mrs. Synborski stated they do announce that they are not permitted to smoke in the stadium, and they don't let them.

Mayor Lockhart read a letter from Sharon Sedlar commending Police Chief Butelli for his professionalism.

Ms Boyko questioned who enforces the ordinance? Mrs. Synborski said the police, and the crossing guards. However, the crossing guards do not have the authority to write tickets.

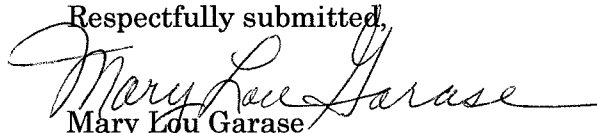
16. Public comment on Non-Agenda items.

- a. Pat Carnavale, Shadewell Ave., came before Council and said there is no smoking on Brentwood property, in Brentwood Park or in the Stadium. That is the law.

17. Adjournment.

M-1 Motion by Mr. Wenzel, seconded by Mrs. Synborski and duly carried that Council adjourn the meeting at 8:50 P.M. ALL AYES.

Respectfully submitted,


Mary Lou Garase
Administrative Assistant

mlg

October 14, 2008 Agenda Mtg. Minutes