

BOROUGH OF BRENWOOD
MINUTES OF THE AGENDA MEETING
TUESDAY, DECEMBER 9, 2008

1. Call to Order. The Agenda meeting on Tuesday, December 9, 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, Ms Janice Boyko, Mr. David Wenzel and Mr. Mario Richards.

Also present: Mayor Kenneth E. Lockhart, Solicitor Robert G. Xides Jr., Manager George Zboyovsky and Building Inspector Ralph Costa.

Absent: Administrative Assistant Mary Lou Garase.

4. Public comments on Agenda items only!

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

- Ordinance No. 1174 – Sewage Collection, Transportation and Treatment Fees.
- 2009 Budget (Categories)

b. Kathy Trexler, Dalewood St., came before Council regarding the following:

- Item No.10 (b) Permit for address painting at the curb

c. Herb Sill, Bauman Ave., came before Council regarding the following:

- Ordinance No. 1173 – Tax Levy
- Item No. 9 (c) Wainwright Avenue Project

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 – Mayor Lockhart said no report this evening.

8. Administrative and Finance Committee – Mr. Bender stated the following will be considered for approval at the December 23, 2008 meeting:

- a. Approve the Minutes of the November 25, 2008 Council meeting.
- b. Ratify the Payment of Bills from the General Fund.

Mr. Wenzel commented after reviewing the latest Solicitor's invoice, it is three (3) months late. I think the billing practice is questionable. You need to get these bills for consideration, long before three (3) months. We are talking about September. There are certain items on this bill that I have to ask about. The bill is dated November 3, and received December 3 for September. A discussion ensued regarding the monthly retainer, the costs associated with reviewing the Borough Council volume of mail, review of Resolutions/Ordinances, and reviewing the mail at the meetings under the retainer, etc.

Mrs. Synborski stated the Council can request the Solicitor to be here prior to the meeting to discuss this. Mr. Wenzel asked Council if they were familiar with each item on the bill. A discussion ensued regarding the review and the costs associated with the Solicitor's invoices. Mr. Wenzel stated he wants an explanation of the line items on the invoices. A discussion ensued and Manager Zboyovsky stated he reviews the bills and calls Solicitor Gobel regarding any items that are questionable and he addresses those particular items. Mr. Wenzel stated he has an issue with Solicitor Gobel not being at the meetings and the billing process. At this time, several Council persons were speaking. A discussion ensued regarding the court fees for the two Solicitors to attend a hearing of the Labor Relations Board. President Lieb said Mr. Zboyovsky can contact Solicitor Gobel tomorrow to review the questionable items on the invoices and question if we are charged for this call for information. Mayor Lockhart stated the costs on the invoices should be broken down as to whom handles what items, who does the work, etc. Mr. Wenzel stated Council should insist that he, Solicitor Gobel, attend the Agenda meetings. Also, Mr. Wenzel stated the Borough should receive an itemized bill. Mr. Richards said there are gray areas on the bills; the Solicitor Gobel works for us. Mrs. Synborski suggested Mr. Zboyovsky contact Solicitor Gobel tomorrow and request that he come early to the meeting to discuss these issues. Mr. Wenzel stated he will not come early to accommodate Solicitor Gobel, he chose not to come there this evening. Mr. Wenzel stated I think Solicitor Gobel should resign or we should hire a different Solicitor. A discussion ensued.

Mr. Bender continued:

- c. Ratify the Payment of Bills from the K-9 Fund.
- d. Ratify the Payment of Bills from the Sewer Fund Accounts.
- e. Ratify the Penn Vest Bond Issue.
- f. Ratify the 2007 General Obligation Bond Issue.

Mr. Wenzel questioned if the setup would be for the year? What are we ratifying? Manager Zboyovsky stated in the Treasurer's report, it is under the General Obligation Fund Section under expenses, there is a breakdown. Mr. Wenzel questioned if this pertains to the four million dollar loan? Manager Zboyovsky said correct.

Mr. Bender continued:

- g. Ratify the Payment of the Bills from the Highway Aid Fund.
- h. Ratify the Non-Uniform Employee Pension Fund.
- i. Ratify the Police Pension Fund.
- j. Accept the Revenues for the General Fund: Real Estate, Delinquent Real Estate, Earned Income, Local Service Tax and District Magistrate.
- k. Accept the Revenues for the Sewer Fund: Sewage and Delinquent Sewage.
- l. Consider Ordinance No. 1173 – 2009 Tax Levy.
- m. Consider Ordinance No. 1174 – Sewage Collection, Transportation, and Treatment Fees.
- n. Authorize to advertise the Borough Meeting Schedule for 2009.

Mr. Wenzel questioned if the schedule was given to Council? Manager Zboyovsky stated the schedule is being reviewed so there are no conflicts.

Mr. Bender continued:

- o. Approve the 2009 TAN Loan.
- p. Adopt the Refuse Collection Articles of Agreement by and between the Borough of Brentwood and Allied Waste Services, Inc.

Mr. Richards questioned the days there will be pick up during the week. Mr. Richards stated if there is pick up three different days there will be trash everywhere in the Borough. A discussion ensued. Manager Zboyovsky said the Borough must give reasonable provisions to the collector to change their schedule if need be. A letter will be sent to all residents informing them of all the changes.

M-1 Motion by Mr. Bender, seconded by Mrs. Schade and duly carried that Council adopt the Proposed 2009 Budget as presented by the Borough Manager in the total amounts:

General Fund:	\$6,523,738.50.
Sanitary Sewer Fund:	\$2,603,500.00
Capital Improvement Fund:	\$ 435,628.00
Highway Aid Fund:	<u>\$ 198,500.00</u>
Total:	\$9,761,366.50

ALL AYES.

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 Public Works Supervisor Employee Agreement
- c. Consider payment to Pampena Landscaping and Construction for the Wainwright Avenue Wall and Walkway Repair Project in the amount of \$62,726.32.
- d. Change Order No. 1 for the Dailey Road Reconstruction Project for T.A.

Robinson Asphalt in the amount of \$6,977.19.

Mayor Lockhart questioned the Change Order items. Manager Zboyovsky stated there is additional work.

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. Accept resignation of Robert Haas from the Zoning Hearing Board
- c. Authorize to advertise for vacant seat on Zoning Hearing Board (Term expires December 31, 2010.)
- d. Authorize to permit painting of addresses on Borough curb.

Mr. Richards stated this was discussed in Executive Session. Mr. Richards said the request came from a resident, doing business by painting addresses on curbs. Mr. Richards stated the curb is Borough property. Solicitor Xides stated the curb belongs to the Borough and a solicitation permit must be approved. Mr. Wenzel stated this is a questionable item. The addresses should be near the door of the dwelling where you can see them. A discussion ensued.

Mr. Richards continued:

- e. Code Enforcement/Building Inspector Employee Agreement for 2009 (Non-Union Employee)
- f. Appointments to Planning Commission

Mr. Richards stated there are two vacancies on the Planning Commission and the Borough received three letters of interest. Mr. Richards requested residents submit their letters of interest. Mr. Wenzel requested the news media put this in the newspaper for residents to apply. A discussion ensued.

Mr. Richards continued:

- g. Advertise the vacant seat for the Zoning Hearing Board in the South Hills Record.

Mrs. Schade questioned Mr. Richards regarding the information on the usage of the facilities. Mr. Richards stated he requested Mrs. Garase to put together a list of the Civic Center and the Community Room indicating how many times it is rented, who rented the facilities and the fees collected. Mr. Richards stated both facilities have been rented over 100 times, well over. We brought in \$2,000.00, a huge loss. Mr. Richards stated if you look at the budget, it will cost the Borough \$30,500 this year and the Library will cost more than that. That does not take into consideration the public works setup and overtime. It would cost the Borough \$100,000.00. Mr. Wenzel questioned where he got the \$100,000.00? Mr. Richards said heat, water, lights, setup and overtime for public works employees. Mr. Richards stated the public officials and the Borough employees

use the facilities free of charge. Mr. Richards said he doesn't want it for free; it sends the wrong message. Mr. Richards said between the pool, the Community Room and the Civic Center the cost is too high. We have to charge a fee for these facilities. Mrs. Synborski stated the non-profit organizations within the Borough use the facilities for meetings and fundraisers. Mr. Richards stated the facilities are being used. Mr. Wenzel stated there are people that use the facility free? Why? President Lieb stated it is the Council and employees that use the facilities for free. Mrs. Schade and Mr. Bender have checks for the use of the facility.

Mayor Lockhart stated Council should review the current guidelines and beginning January 1, 2009 Council present the new guidelines for the use of the facilities and a fee paid by everyone. Ms Boyko said non-profit organizations could pay a minimal fee for the use of the facilities. President Lieb said a letter can be sent to the employees that there will be a fee for using the Borough facilities it is no longer a perk. A discussion ensued.

11. Park and Recreation – Mrs. Schade stated the Contract Award for the Feasibility Study and Master Site Plan associated with Brentwood Borough Stadium and Park Area will be considered. Mr. Wenzel questioned if this is open to the public? Manager Zboyovsky said, no, this is for interviews.

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

- a. Accept the Police Chief's monthly report.
- b. Annual contract with the Mr. Magic Car Wash for the six police vehicles at the cost of \$1,750.00. This contract includes unlimited washes per vehicles at a rate of \$291.66 per vehicle, for the year 2009.

13. Special Committees:

- ACBA – Mrs. Synborski said there are meetings in January and February. Please notify Mrs. Garase if you plan to attend.
- BBOA – President Lieb reported the new landmark clock is located on Brownsville Road at Giant Eagle Drive (BTS) and will be dedicated on Monday at 4:30 P.M. All are welcome to attend.
- EDS – Mrs. Schade said no report.
- LIBRARY BOARD – Mrs. Schade said no report.
- SHACOG – Mr. Wenzel said no report.
- WATERSHED - Ms Boyko a meeting will be held on Thursday.

14. Old Business: Mayor Lockhart stated the guardrail was removed by the Public Works employees at no cost, at approximately less than a half hour.

15. New Business: None.

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

a. Clyde Zimmerman, Grayson Ave., came before Council regarding the following:

- Requesting a report on concession stand for 2008. Mr. Wenzel stated we could consider vending machines or a vendor to handle the concession stand and the Borough collect some of the profits. Mr. Wenzel stated we should advertise within the next three weeks.
- Brentwood Presbyterian Church uses the facilities for their annual picnic.

b. Cathy Trexler, Dalewood St., came before Council regarding the Solicitor's invoices, the retainer fee, and line items on the invoices. Manager Zboyovsky stated he reviews each line item if he has questions. Solicitor Xides stated the solicitation ordinance is a very complicated ordinance and must coincide with state and federal laws. A discussion ensued.

c. Pat Carnavale, Shadewell Ave., came before Council regarding the use of the swimming pool, Civic Center and the Community Room. Mr. Carnavale said there are certain things that are to be available for the residents as taxpayers.

d. Pam Balkovec, East Garden Rd., came before Council regarding how many law suits the Borough is involved in and attorney fees? Solicitor Xides stated you must understand, in not all of the lawsuits are the Borough being charged, some go through the insurance company. Solicitor Xides stated there are approximately six (6) lawsuits. Solicitor Xides explained what information is public information.

Mrs. Balkovec commented that the non-profit organizations should not pay for the Borough facilities. The non-profit organizations will increase the fees for their membership.

e. Joan Cleary, Cloverlea St., came before Council as a resident and thanked Mr. Wenzel, Mr. Richards and Ms Boyko for their due-diligence in questioning the budget. Ms Cleary said you are elected officials and it is your job to take care of the public money. You should know what bills you are paying and the invoice should be itemized. Mr. Wenzel said, as an Allegheny County Council member, did the assessments go up? Ms Cleary said no. Manager Zboyovsky said there is an increase with new properties.

f. John Eisenbarth, East Garden Rd., came before Council regarding the meetings at the Borough facilities. Mr. Eisenbarth questioned why the facility is used on a weekly basis? 40-50 times a year? Why? Mrs. Synborski said that is a question for the organizations. Mr. Eisenbarth said some organizations use the facility too much.

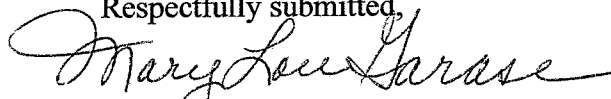
Mr. Eisenbarth commented the Solicitor's invoices have been discussed at every meeting; Council should motion to have the Solicitor change the format of their billing.

Mayor Lockhart said the use of the facilities at the Civic Center and the Community Room is not only for meetings, the organizations have fundraisers, registration, photos, etc.

17. Adjournment.

M-2 Motion by Mrs. Synborski, seconded by Mr. Richards and duly carried that Council adjourn the meeting at 7:50 P.M. ALL AYES.

Respectfully submitted,

A handwritten signature in cursive script that reads "Mary Lou Garase". The signature is written in black ink and is positioned above the printed name and title.

Mary Lou Garase
Administrative Assistant

Mlg

December 9, 2008 Agenda Mtg. Minutes.