

MINUTES TO REGULAR MEETING OF FEBRUARY 16, 2016

The regular meeting of the Borough of Baldwin Council was called to order by President, Michael Stelmasczyk at 7:30 pm on Tuesday, February 16, 2016.

Mr. Stelmasczyk asked for a moment of silence for personal reflection. After the Pledge of Allegiance to the Flag by Mr. Stelmasczyk, the following answered to roll call: Mr. Behers, Mr. Moeller, Mr. Fischer, Mr. Scott, Mr. Conley, and Mr. Stelmasczyk. Also present were David Depretis, Mayor, Mr. Stanley Lederman and Mr. Michael Lederman, Solicitors, Mrs. Diana Behers, Treasurer and Mr. John Barrett, Borough Manager. Mr. Ducker and Mr. Larry Souleret, Engineer were absent.

APPROVAL OF MINUTES

Mr. Stelmasczyk asked for the following approval of Council Meeting Minutes:

- M-1** *Mr. Fischer made the motion to approve the Reorganization Minutes of January 4, 2016; second by Mr. Behers. Upon vote, motion passed unanimously.*
- M-2** *Mr. Fischer made the motion to approve the Minutes of the Agenda Meeting of January 12, 2016; second by Mr. Moeller. Upon vote, motion passed unanimously.*
- M-3** *Mr. Scott made the motion to approve the Minutes of the Regular Meeting of January 19, 2016; second by Mr. Fischer. Upon vote, motion passed unanimously.*

Mr. Stelmasczyk asked if anyone had any questions or comments pertaining to these motions, none were asked.

AUDIENCE AGENDA: Agenda Items Only: 5 MINUTES PER SPEAKER OR GROUP

Mr. Stelmasczyk asked the audience if there were any questions that were on the agenda. There were no questions for Council.

ENGINEER'S REPORT

Mr. Souleret was absent and Mr. Barrett stated Mr. Souleret submitted his report on February 4, 2016 summarizing activity over the last month. In addition, these items were reviewed with Council during the Agenda Setting Meeting. Mr. Barrett asked for the following motions:

A First reading and motion to advertise was done for Ordinance 867 at the Agenda Meeting last week. Mr. Barrett explained this is an Ordinance developed by the Pleasant Hills Authority that establishes standards for industrial users and does not impact our Borough residents. The PHA is required to adopt this ordinance and to successfully do so, each member municipality must adopt the model ordinance.

- M-4** *Mr. Scott asked for a Motion for a Final Reading and Motion to Adopt Ordinance No. 867 Revising Pre-Treatment Standards for the Discharge of Wastewater into Collection*

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System Conveyed to Pleasant Hills Authority; second by Mr. Behers. Upon vote, motion passed unanimously.

The next motion is in regard to the Pool Building Roof Replacement project decreasing the amount of the contract by \$3,525.00:

M-5 *Mr. Scott made the Motion to Approve Change Order No. 2 (Final) to Contract No. 15-RF01, Pool Building Roof Replacement, per the Recommendation of the Borough Engineer; second by Mr. Fischer. Upon vote, motion passed unanimously.*

The next motion provides the final payment to Phoenix Roofing, Inc. with all work complete to the Borough's satisfaction. The roof comes with a thirty (30) year warranty:

M-6 *Mr. Fischer made the Motion to Approve Partial Payment No. 2 (Final) to Phoenix Roofing, Inc. for Contract No. 15-RF01, Pool Building Roof Replacement, in the amount of \$16,937.85; second by Mr. Scott. Upon vote, motion passed unanimously.*

The next motion is in the 2015 Road Program and includes the Change order for additional work on Hartl Lane and additional work within the Borough. After the work was complete and reduces what was previously awarded by \$28,750.28:

M-7 *Mr. Moeller made the Motion to Approve Change Order No. 3 (Final) to Contract No. 15-R01, 2015 Roadway and Storm Sewer Improvements, per the Recommendation of the Borough Engineer; second by Mr. Fischer. Upon vote, motion passed unanimously.*

The next motion is final payment to the same contractor and a final walkthrough was completed with the engineer. It releases all the retainage and closes out the project:

M-8 *Mr. Scott made the Motion to Approve Partial Payment No. 5 (Final) to Michael Facchiano Contracting, Inc. in the amount of \$96,165.70 per the Recommendation of the Borough Engineer; second by Mr. Behers. Upon vote, Mr. Fischer opposed. A roll call was taken, Mr. Behers, Mr. Moeller, Mr. Scott, Mr. Conley and Mr. Stelmasczyk voted yes and the motion passed 5-1.*

The next motion is a Service Order Authorization in connection to the Consent Order and agreement that the Borough signed along with an amendment with the DEP:

M-9 *Mr. Scott made the Motion to Approve Service Order Authorization for work related to Phase I Consent Order and Agreement (COA) Source Flow Reduction Study for an amount not to exceed \$38,500; second by Mr. Fischer. Upon vote, motion passed unanimously.*

Mr. Scott commented there is no action on the Borough's part, that this is a requirement and not an option. Mr. Stelmasczyk explained yes, this is part of the mandate.

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Mr. Barrett explained the next motion is related to Glass Run Rd. where PennDOT is coordinating a bridge replacement project. We have sanitary facilities located within the Right-Of-Way and the effort to remove them has been incorporated into the project design. The Borough decided it will be included in their project along with a cost share that is associated with this resolution.

M-10 *Mr. Fischer made the Motion to Approve Resolution No. 2016-02-03 as prepared by PennDOT to authorize reimbursement for all costs incurred in relocating a sanitary sewer located in the public right of way and effected by SR 3098, **Section A04**, Glass Run Road; second by Mr. Scott. Upon vote, motion passed unanimously.*

*Mr. Fischer made the Motion to Approve Resolution No. 2016-02-04 as prepared by PennDOT to authorize reimbursement for all costs incurred in relocating a sanitary sewer located in the public right of way and effected by SR 3098, **Section P30**, Glass Run Road; second by Mr. Scott. Upon vote, motion passed unanimously.*

Lastly, Mr. Barrett explained A.R. Building Company, the builder for the Baldwin Apartment complex, now referred to as Crossroad Towers, and has submitted a formal request for a bond reduction. The Engineer has reviewed the request and has submitted a recommended approval of a release slightly less than the developer recommended.

M-11 *Mr. Behers made the Motion to Approve a Bond Reduction held by A.R. Building Co., for the Baldwin Apartment project, in the amount of \$308,697.36. The bond amount will be reduced from \$623,365.65 to \$314,668.29, per the Recommendation of the Borough Engineer; second by Mr. Scott. Upon vote, motion passed unanimously.*

Mr. Stelmasczyk asked if anyone had any questions or comments pertaining to this motion. None were asked.

SOLICITOR'S REPORT

Mr. Stanley Lederman reported the property located at 1673 Dunluce, Mr. Lockaton has cleaned up the outside of the property to both the court and Borough satisfaction. The inside will continue to be monitored per the court order and the final cleaning of the property on Streets Run Rd.

A first reading and motion to advertise proposed Ordinance 868 is asked for this evening. Mr. Barrett explained just recently the Borough has changed delinquent sewage billing providers from Jordan Tax Service to Legal Tax Service. Legal Tax has a newly proposed rate for penalty and interest along with a cap of no more than 10% per year on bills.

M-12 *Mr. Scott made the Motion to for a First Reading and Motion to Advertise potential Ordinance 868 Establishing Applicable Rates of Interest and Penalty on Delinquent Sewage Use Charges; second by Mr. Behers. Upon vote, motion passed unanimously*

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Mr. Stelmasczyk asked if there were any questions for the Solicitor. Mr. Fischer stated he understands that some people can fall on hard times and others are outright delinquent, he does not entirely understand the reason why the penalty was lessened. Mr. Lederman explained it was brought to the Borough's attention the Commonwealth does not permit annual interest rates for public collection to be above 10%.

MAYOR'S REPORT

The Mayor reported calls for 2015 were 8,344, calls given to Police from 9-1-1 were 8,898. Reported calls in January 2016 were 823 and calls given to Police from 9-1-1 were 842. The Mayor continued with the activity report for K-9 Officer Ajay with Officer Pagane and K-9 Officer Niko with Officer Parrotta. The Mayor asked Police Chief, Michael Scott if he had anything to add.

The Chief stated back in 2014, he informed residents of a program from the District Attorney's Office and the Allegheny Chiefs Police Association called Project Lifesaver. People with dementia or autism may tend to wander off and this program provides caregivers with tracking devices. The program has been expanded to provide stickers to be placed in car windows or homes to alert emergency personnel of their disability along with the offer of service dogs for those with service disabilities. Packets can be provided to residents either with the local police department or through the District Attorney's Office.

Mr. Stelmasczyk asked if anyone had any questions for the Mayor. Mr. Fischer appreciates the K-9 reports, but recently with the Port Authority dog necessarily should have been let go in this case and portrays the police in a bad light. His question is about the training and what our officers use during a similar situation. Is there a standard when K-9's are let go to take on a violent offender? The Chief stated the situation may not have been handled appropriately and suggested that our procedures would have required a different outcome. Our department has less lethal weapons and they would have deployed these instead of their K-9.

ADMINISTRATION

Mr. Barrett submitted his written report to Council last month and reviewed it at the February Agenda Meeting. He has a number of formal motions for Council consideration:

The first motion is concerning the Pool Renovation Project with the advertisement of competitive bids with add alternates. A total of six (6) quotes were received from contractors with the lowest responsible bidder and asking for a recommendation from Council.

M-13 *Mr. Fischer made the Motion to Award a Contract to Liokareas Construction for the Baldwin Borough Pool House Renovation project including Base Bid and Add Alternates 1,4 and 6 for an amount not to exceed \$454,500 ; second by Mr. Scott. Upon vote, motion passed unanimously.*

The next motion is adopting the Employee Handbook with revisions. Council was presented with this revised document and Mr. Barrett is asking for formal adoption of this Resolution.

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M-14 *Mr. Scott made the Motion to Approve Resolution No. 2016-02-05 Revising and Adopting the Borough of Baldwin Employee Handbook; second by Mr. Conley. Upon vote, motion passed unanimously.*

Last week, representatives from HRG, the Borough Recreation Planning Consultants, reviewed the plan for Elm Leaf Park with Council. Because of the desire to seek grant funding from the Commonwealth, Mr. Barrett asked for a resolution to begin this process. The Resolution does not bind the Borough to plans, but demonstrates a commitment to pursue this project.

M-15 *Mr. Conely made the Motion to Approve Resolution No. 2016-02-06 Adopting the Elm Leaf Park Master Plan; second by Mr. Behers. Upon vote, motion passed unanimously.*

Mr. Moeller asked a few questions about public input on the plans. Mr. Barrett said an online survey was done along with an online survey asking for resident feedback similar to Colewood Park.

Lastly, Whitehall asked the Borough to participate in a petition to the Joint Assembly to reach out to our legislators to give consideration to how PennDOT addresses drainage facilities that exist under state roadways. Currently, communities and Townships do not fall under the same guidelines.

M-16 *Mr. Conley made the Motion to Approve Resolution No. 2016-02-07 Petitioning the General Assembly to Amend the PennDOT Policy Regarding Maintenance of Drainage Facilities within State Road Rights of Way; second by Mr. Fischer. Upon vote, motion passed unanimously.*

Mr. Stelmasczyk commented he would vote in favor of this Resolution, however he is not convinced that the Resolution is enforceable. He would rather have asked Whitehall coordinate this more effectively.

Mr. Scott wished to comment the Elm Leaf Park Master Plan as well as the Elm Leaf Park overview are both on the Borough website.

Mr. Stelmasczyk asked if there were any questions for Mr. Barrett, none were asked.

FINANCE

Mr. Fischer noted the monthly financial reports with Revenues and Expenditures as well as the current cash position discussed at the Agenda Meeting. It is the beginning of the year so there is limited tax revenue to report. The tax bills have begun to be mailed out and property tax revenue will appear for the next report. He asked if Council had any questions pertaining to these items, none were asked.

He asked council if they had any questions on the Treasurer's Report for January 2016. Mr. Fischer would like to ask for the following motions:

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M-17 Mr. Fischer made the motion to approve the Treasurer's Report for January 2016; second by Mr. Moeller. Upon vote, motion passed unanimously.

M-18 Mr. Fischer made the Motion to Ratify Bills in the Amount of \$114,919.74 and approve bills in the amount of \$613,686.20 for a total of \$728,605.94; second by Mr. Conley. Upon vote, motion passed unanimously.

Lastly, Mr. Fischer stated there was a Finance Committee meeting and he spoke last week of their future goals. Mrs. Diana Behers has been asked to join this committee since she is the current Borough Treasurer and past career in banking adding interesting thoughts to their discussions. Mr. Fischer would like to thank her for her acceptance into this committee.

Mr. Stelmasczyk asked if there were any questions for Mr. Fischer, none where asked.

PUBLIC WORKS

Mr. Behers noted the monthly departmental reports and a few updates with the department. They have been able to place cold patch on a few problem areas as well as placing no parking signs at locations the salt plows have difficulty maneuvering around. They are in the process of cleaning the 1,240 catch basins within the Borough and taking pictures for the MS4 reports to remain compliant. Lastly, at the next Agenda meeting, Public Works would like to recommend the roads for the 2016 Road Improvement Program that is mandated by the state.

Mr. Stelmasczyk asked if there were any questions for Mr. Behers, none where asked.

PARKS AND RECREATION

Mr. Conley asked for a motion on the Borough parks and facilities:

M-19 Mr. Conley asked for a motion to approve the February Blanket Approval List for the Borough parks and facilities; second by Mr. Moeller. Upon vote, the motion passed unanimously.

Mr. Stelmasczyk asked if there were any questions for Parks and Recreation, none were asked.

ZONING AND PLANNING

Mr. Moeller reported that the Planning Commission is scheduled to meet on Wednesday, February 24, 2016 at 7:30 pm. The Zoning Hearing Board Meeting is scheduled to meet on Thursday, February 18, 2016 at 7:30 pm.

He noted everyone had their monthly inspection reports, listing January 2016 fees collected. Mr. Moeller withheld from the 2015 report since he felt there was a discrepancy with the numbers. He now has the finalized numbers for 2015 explaining the December total fees collected were \$ 10,421.74, as compared to \$7,687.00 in December of 2014. An YTD total of \$154,966.79 compared to \$148,898.00, roughly a \$6,000 increase from 2014 to 2015. For

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January 2016, the total fees collected were \$10,580.40 as compared to January 2015 of \$5,120.00 with roughly an increase of \$5,400.00 for January 2016.

Mr. Stelmasczyk asked if there were any questions for Mr. Moeller with Zoning and Planning, none were asked.

PUBLIC SAFETY

Mr. Ducker was absent and Mr. Barrett explained the Public Safety Meeting was held at the end of January. We have agreed to pursue weather related drills for 2016 and accepting the invitation from A.R. Builders of a tour of the new apartment complex. Baldwin Borough along with Pleasant Hills would be invited to tour the facility to get a sense of the buildings.

Mr. Barrett asked Chief Jim Barbour if he would like to make a report. Chief Barbour of Option #107 explained they are doing standard drills and will be doing the walk-through for the apartment buildings. Also, Asst. Chief Brian McCaffrey from Baldwin Emergency Medical Services, Inc. (BEMS) was asked to comment and had nothing to report.

Mr. Stelmasczyk asked if there were any questions with Public Safety. Mr. Scott asked if all emergency services were invited to this walk-through and Mr. Barrett confirmed all emergency services, police, ems and fire departments are all welcome to attend.

PERSONNEL

Mr. Scott has nothing formal to report to Council at this time.

Mr. Stelmasczyk asked if anyone from Council has any new business to discuss.

AUDIENCE AGENDA –Any issue pertaining to Borough Business: 5 MINUTES PER SPEAKER OR GROUP

With no requests, he continued to ask if anyone from the audience would like to address Council with anything related to Borough business.

Wayne Hall of 4707 Gardenville Rd. explained this is old news, but he has continued problems with a large amount of surface water run through his yard and sewage that comes up from his basement. He would like to know what the Borough is planning on to fix this issue. This is a problem that has existed before 2012 and has made several inquiries on how it will be repaired, even with consideration of notifying the media to get action by the Borough. Mr. Barrett has had a lot of discussion on this issue and was prepared for a temporary fix to replace storm pipes that come from his rear yard to the street. It was delayed because the neighbor disputed what the Borough was suggesting for repairs.

The Borough Engineers have proposed a project to help repair the storm water flow in this area and have a new sanitary line installed. Mr. Barrett continued to explain the coordinated project to address this problem with the SSO in the area.

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Next, Tim Gerry of 4637 Gardenville Rd. also addressed this overflow and has already paid around \$40,000 for a French drain to be installed on his property and is retaining water. The check valve is 4 ft. underwater and wants to know what the Borough plans to do to fix this overflow. Mr. Barrett explained the issue further and stated that the potential exists to flood Mr. Berry's downhill neighbors by simply repairing the damaged storm line. The Borough Engineers have developed a comprehensive fix to this situation and will present a Service Order Authorization to Borough Council for consideration at the April meeting.

Mr. Stelmasczyk asked that these residents attend the next Agenda Meeting on March 8, 2016 at 7:00 pm to speak with the Borough Engineer who will be at the meeting to answer these questions.

The meeting adjourned by Mr. Stelmasczyk at 8:30 pm with a motion to adjourn:

M-20 Mr. Moeller made the motion to adjourn; second by Mr. Fischer. Motion passed unanimously.

Respectively submitted,

BOROUGH OF BALDWIN

John M. Barrett
Borough Manager