

# MINUTES TO REGULAR MEETING OF MAY 17, 2016

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The Regular Meeting of the Borough of Baldwin Council was called to order by President Michael Stelmasczyk at 7:30 p.m. on Tuesday, May 17, 2016.

After the Invocation and Pledge of Allegiance to the Flag by Mr. Scott, the following Council answered to roll call:

Mr. Kevin Fischer  
Mr. Francis Scott  
Mr. James Behers  
Mr. Michael Ducker  
Mr. Ed Moeller  
Mr. John Conley- Vice-President  
Mr. Michael Stelmasczyk-President  
Mr. David Depretis-Mayor  
Mr. Larry Souleret- Engineer  
Mr. Stanley Lederman- Solicitor  
Mr. Michael Lederman- Solicitor  
Mr. John Barrett- Borough Manager

Absent: Mrs. Diana Behers-Treasurer  
Staff Present: Tammi Genilla- Administrative Assistant

Mr. Stelmasczyk announced a Public Hearing at 6:00 pm took place before the Regular Meeting to discuss the proposed changes to Chapter 168 (pending Ordinance 873) of the Borough of Baldwin Code, Zoning and proposed Zoning Map Changes.

## APPROVAL OF MINUTES

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

**M-1** *Mr. Fischer made the motion to approve the Minutes the Agenda Meeting of April 12, 2016; second by Mr. Behers. 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 they would like to address Council on anything that is on the Agenda.

Nick Coxon of 1400 Michael Drive referring to the engineer's item to adopt Resolution No. 2016-05-11 approving the public streets in the Breckenridge Development. A No Parking letter was received from his association and his concern about no parking on a specific side of the streets in this area. Mr. Barrett explained that communication from the HOA requested specific parking in the plan. A traffic study was completed and a proposal to restrict parking on the sides where the fire hydrants are located. It was decided by Council they would review the traffic study at his request and see if everyone can come to a mutual agreement on parking.

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Mr. Stelmasczyk asked if there were any other questions about an agenda item, none were asked.

## ENGINEER'S REPORT

Mr. Souleret noted his report from May 6, 2016 summarizing activity since reviewing it with Council at the Agenda Meeting on May 10, 2016. He does not have any additional items to add to this report and Mr. Souleret asked if anyone had any questions pertaining to any other Engineering item, no questions were asked by Council.

Mr. Souleret has a brief summary for each motion and then asked for Council adoptions:

Bids were open for Contract No. 16-R01 on May 16, 2016 with a letter to Mr. Barrett with this information showing four contractors who submitted bids for this work. Mr. Souleret explained what streets were in the base bid and which ones were in the add alternates. These were reviewed and the following recommendation was made, along with an explanation of the 'add alternate #1' the BEMS parking lot with this amount to be reimbursed to the Borough of \$46,375.00:

**M-2** *Mr. Scott made the Motion to Award Contract No. 16-R01 to Michael Facchiano Contracting Inc., Pittsburgh, PA for a base bid not to exceed \$621,450., Add Alternates 1, 4, and 5 for an amount not to exceed \$78,735., for a total contract amount not to exceed \$700,185., per the recommendation of the Borough Engineer; second by Mr. Ducker. Upon vote, motion passed 6-1. One abstain from Mr. Fischer and explained his reason for the abstain vote.*

Mr. Souleret explained the next motion is to approve the streets in Breckenridge Development for public maintenance.

**M-3** *Mr. Scott made the Motion to Adopt **Resolution No. 2016-05-11** Approving and Accepting the Public Streets within the Breckenridge Development; second by Mr. Behers. Upon vote, motion passed unanimously.*

Mr. Souleret explained the motion is for the collapse on Fidelity Drive and how this needs to be done as an Emergency repair.

**M-4** *Mr. Scott made the Motion to Award Emergency Repair of Sanitary Line on Fidelity Drive to Soli Construction Inc., Irwin, PA, for lump sum of \$10,400; second by Mr. Fischer. Upon vote, motion passed unanimously.*

Mr. Stelmasczyk asked if anyone had any questions or comments pertaining to this motion or for the Engineer, none were asked.

## SOLICITOR'S REPORT

Mr. Stanley Lederman explained last month a Motion to Advertise and First Reading of Potential Ordinance No. 871 for setting delinquent and collection rates for sewage billing at 10%, he would like to ask for the following motion:

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**M-5** *Mr. Fischer made a Motion to Adopt **Ordinance 871** setting Delinquent Collection Rates for Sewer Billing at 10% per annum; second by Mr. Scott. Upon vote, motion passed unanimously.*

Next, Mr. Lederman explained motion is needed for a first Reading for potential Ordinance 872 which regulates the operation of recreational motorized vehicles within the Borough limit.

**M-6** *Mr. Fischer made a Motion to Advertise and First Reading of Potential Ordinance 872 Regulating the Operation of Recreational Motorized Vehicles in the Borough; second by Mr. Ducker. Upon vote, motion passed unanimously.*

Mr. Stelmasczyk explained this would include ATV's, dirt bikes with acceptations to emergency vehicles. He asked if there were any questions for the Solicitor, none were asked.

### MAYOR'S REPORT

The Mayor reported calls for the month for April were 642 and calls given to police from 911 were 761. He read a brief overview of activity for and K-9 Officer Niko with Officer Parrotta. K-9 Officer Ajay with Officer Pagane's report will be provided at another time.

The Mayor explained Officer Matt Collier road a stranded motorist home. Due to this special service, she made a donation to Children's Hospital in his name.

The Victims Compensation Assistant Program provided a thank you to the Borough. This is money that is provided for victims by the Borough. Baldwin Borough Police are 267 out of 523 Departments that get our reports in on time for this program.

As a reminder, the Memorial Day services will take place up at the Municipal Building Memorial on Monday, May 30, 2016 at 10:00 am.

Lastly there is s motion confirming the Borough's participation in the PennDOT DUI Enforcement program

**M-7** *Mr. Ducker made a motion to Adopt **Resolution No. 2016-05-12** Confirming the Borough's Participation in the PennDOT DUI Enforcement Grant Program; second by Mr. Behers. Upon vote, motion passed unanimously.*

The Chief had a few items to add to the Mayor's Report:

- A successful DEA Drug Take Back Initiative held at the Borough Building on Saturday, April 30, 2016 brought in 21 pounds of unused an unwanted medications. From this successful event, the DEA has provided a permanent drop off box by the Police Department for anyone to drop off these drugs during regular business hours Monday – Friday 8:30 am – 4:30 pm.

Mr. Stelmasczyk asked if anyone had any questions for the Mayor or Chief, none were asked.

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## ADMINISTRATION

Mr. Barrett submitted his written report to Council last month and reviewed it at the May Agenda Meeting. He asked Council for the following formal motions:

The first motion is related to the proposed park renovations that are a part of the Elm Leaf Master Plan previously adopted. The first phase is to move forward and accept HRG to prepare construction drawings to ask Council their recommendations:

**M-8** *Mr. Fischer made the Motion to Accept Proposal from HRG to prepare construction drawings for Phase I of Elm Leaf Park Renovation Project; second by Mr. Moeller. Upon vote, motion passed unanimously. The motion was amended by Mr. Fischer to read, not to exceed \$87,175; second by Mr. Moeller. The motion was passed.*

Mr. Stelmasczyk had a few questions with the drawings and the tasks listed on these drawings. He would like to motion to be amended to read not to exceed \$87,175.00.

Next, Mr. Barrett explained this Resolution would set the 2016 Swimming Pool Rates with no changes except for the increase in cost for the pool rental, up \$50.00 from last year.

**M-9** *Mr. Ducker made the Motion Adopt **Resolution No. 2016-05-13** Establishing the 2016 Rates for the Baldwin Borough Swimming Pool; second by Mr. Behers. Upon vote, motion passed unanimously.*

Lastly, at the Agenda Meeting, a discussion with the Library and their potential to occupy the Leland Center. This opportunity is a grant for Public library facilities as a requirement to submit a letter of intent with a matching amount from the property owner. Mr. Barrett asked for the following motion on this grant:

**M-10** *Mr. Scott made the Motion to Authorize a Letter of Intent to the Keystone Grant for Public Library Facilities; second by Mr. Fischer. Upon vote, motion passed unanimously.*

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. 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 April 2016. Mr. Fischer would like to ask for the following motions:

**M-11** *Mr. Fischer made the motion to approve the Treasurer's Report for April 2016; second by Mr. Conley. Upon vote, motion passed unanimously.*

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**M-12** *Mr. Fischer made the Motion to Ratify Bills in the Amount of \$1,749,046.70 and approve bills in the amount of \$354,361.97 for a total of \$2,103,408.67; second by Mr. Conley. Upon vote, motion passed unanimously.*

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

### **PUBLIC WORKS**

Mr. Behers noted everyone has received the monthly departmental reports.

Mr. Behers explained Public Works has been working to prepare for the MS4 inspection that will be on May 24, 2016.

Mr. Barrett stated the MS4 Report will be included in Council reports after the audit is completed next week. Progress reports will be provided as updates for Council.

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

### **PARKS AND RECREATION**

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

**M-13** *Mr. Conley asked for a motion to approve the May Blanket Approval List for the Borough parks and facilities; second by Mr. Fischer. 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 both the Planning Commission and The Zoning Hearing Board Meeting were both cancelled in May.

He noted everyone had their monthly inspection reports listing:

April 2016 fees collected a total of \$10,483.00 compared to \$23,983.74 for April 2015.

The YTD fees collected for April 2016 were \$42,015.95 compared to \$43,109.39 in 2015.

The following motions are asked for approval by Mr. Moeller:

**M-14** *Mr. Moeller asked for a to Motion to Approve a Conditional Use Application for 5408 Clairton Blvd., located within the C-2 Zoning District, per the recommendation of the Planning Commission and the Borough Engineer; second by Mr. Fischer. Upon vote, the motion passed unanimously.*

Mr. Stelmasczyk explained this application is for a proposed Day Care Center.

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**M-15** *Mr. Moeller asked for a Motion to Approve a Conditional Use Application for Joseph Street and Custer Avenue, located within the C-1 Zoning District, per the recommendation of the Planning Commission and the Borough Engineer; second by Mr. Behers. Upon vote, the motion passed unanimously. Motion was amended to read, with conditions set forth for the issuance permit by the Planning Commission, Council and Borough Engineer; second by Mr. Behers. Motion passed.*

Mr. Stelmasczyk explained this application is for a proposed new location for Deans Beer. He had a few comments on the location and size of this area and he thinks this area is congested already. The owner stated they only accept deliveries with box trucks, but Mr. Stelmasczyk said he has seen semi-trucks make deliveries to Deans Beer now.

Mr. Stelmasczyk would like to amend the motion to add a restriction that no loading or unloading by any vehicles larger than those designated for the parking zone, along with no on-street parking for loading and unloading. The penalty would be the revocation of his occupancy permit.

**(Amended)**

**M-15** *Mr. Moeller asked to amend the conditional use application for Joseph St. and Custer Ave. located within the C-1 zoning district per the recommendation of the Planning Commission and Borough Engineer. With the condition set forth by those parties and in addition a condition that requires the owners to only use the loading area with only vehicles that will fit into the area for loading and unloading, the vehicle cannot be parking on the streets for loading and unloading. If these conditions are not met, the penalty would be potential revocation of the occupancy permit; second by Mr. Scott. Motion passed.*

Mr. Fischer had a few questions for Council about the parking on the street, Mr. Stelmasczyk explained these issues will be considered as a situation arises. Mr. Moeller asked Jim Colosimo (Deans Beer) of Joseph and Custer Street, if he would like to ask questions pertaining to this motion. Mr. Colosimo explained vehicle parking for deliveries are usually early without traffic with a primary location for deliveries, there should not be any concerns on street blockage.

### PUBLIC SAFETY

Mr. Ducker noted everyone has received some of the Volunteer Fire Department Monthly Activity Reports. In addition, the Emergency Medical Service Monthly Report was provided to Council. Mr. Ducker explained the fire monthly activity reports will be issued quarterly from now on.

- Chief Jim Barbour of Option #107 had nothing to report.

Mr. Ducker asked for a motion to approve participation of the Police Department to attend the CALEA Conference in July in Baltimore with reservations. Mr. Ducker explained he understands that if not by attending the conference by the Police Department, it could possibly jeopardize accreditations for the Borough in the future.

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**M-16** *Mr. Ducker asked for a Motion to Approve Participation in the CALEA National Conference; second by Mr. Fischer. Upon vote, motion passed unanimously.*

He would like to thank Detective Cortazzo and Officer Hagan for their dedication in getting the Borough to this accreditation.

Lastly, Mr. Ducker announced May 15 – 21, 2016 is Recognition of National EMS Week. This will be posted on the website for anyone wishing to view further details of the program. He asked Chief Plunkett if he has anything to report:

- Chief Todd Plunkett of BEMS provided Council with a presentation of “Andy” an interactive mechanical ambulance that provides communications with schools and the public. This interactive training tool can be found on the Borough website for further information.

Mr. Ducker announced the retirement of longtime Planning and Zoning employee Roberta Finnigan. She has been with the Borough for 26 years and he along with Council and the Mayor, wished to thank her for her dedication to the Borough.

Mr. Stelmasczyk asked if there were any questions for Mr. Ducker pertaining to this motion. None were asked.

### PERSONNEL

Mr. Scott stated he wished also to thank Roberta Finnigan for her long years of service and how much of a hard worker she has been and wished her an enjoyment retirement.

Next, Mr. Scott explained previous discussions in executive session last week. He would ask for a formal motion for a new salary resolution:

**M-17** *Mr. Scott asked for a Motion to Adopt Resolution No. 2016-05-14, the 2016 Salary Resolution; second by Mr. Ducker. Upon vote, the motion passed unanimously.*

Mr. Stelmasczyk asked if anyone from Council has any new business to discuss. Mr. Stelmasczyk continued to ask if anyone from the audience would like to address Council with anything related to Borough business.

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

Dennis Zolkowski of 631 Brinwood Ave. who has a problem with his neighbor and believes they are a nuisance by disturbing his lawn by digging holes. The police have been called several times and they explained additional proof is needed to provide proof for any action to take place. Council agreed that the resident needs to prove it is the work of his neighbor and not an animal before the Police can intervene.

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

**M-18** *Mr. Ducker made the motion to adjourn; second by Mr. Behers. Motion passed unanimously.*

Respectively submitted,

BOROUGH OF BALDWIN

John M. Barrett  
Borough Manager