

MINUTES TO REGULAR MEETING OF OCTOBER 18, 2016

The Regular Meeting of the Borough of Baldwin Council was called to order by President Michael Stelmasczyk at 7:30 p.m. on Tuesday, October 18, 2016.

After the Invocation and Pledge of Allegiance to the Flag by Mayor Depretis, 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. Jason Stanton- Engineer
Mr. Stanley Lederman- Solicitor
Mr. Michael Lederman- Solicitor
Mr. John Barrett- Borough Manager
Mrs. Diana Behers-Treasurer

Absent: Larry Souleret-Engineer

Staff Present: Tammi Genilla- Administrative Assistant

APPROVAL OF MINUTES

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

M-1 *Mr. Scott made the motion to approve the Minutes of the Agenda Meeting of September 13, 2016; second by Mr. Behers. Upon vote, motion passed unanimously.*

Mr. Stelmasczyk said these minutes were approved with revisions.

M-2 *Mr. Fischer made the motion to approve the Minutes of the Regular Meeting of September 20, 2016; second by Mr. Moeller. 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.

David Brogan of 5314 Meadowcrest Rd., spoke about Ord. 874 (Parking of Commercial and Recreational Vehicles in Residential Districts). He provided examples of the rules for the vehicles with signage, weight limitations and to clarify parking in the driveways. Michael and Stanley Lederman explained these rules and regulations within the Ordinance.

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Anthony Clauser of 1448 Agnes Rd., spoke about problems with residents on his street parking recreational vehicles. It was explained that these issues would fall under the new Ordinance when adopted.

Lance Davis of 5345 Ranchview Dr., spoke about problems with the equalization tank being constructed in Colewood Park and the damage the heavy equipment is being used during construction. He wished to get updated from Council on the project. Mr. Stelmasczyk asked Mr. Davis to wait until the end of the meeting when it is the time for the audience to speak about anything in the Borough.

ENGINEER'S REPORT

Mr. Stanton noted the report from October 6, 2016 summarizing activity since reviewing it with Council at the Agenda Meeting on October 11, 2016. He does not have any additional items to add to this report and asked if anyone had any questions pertaining to any other Engineering item, no questions were asked by Council. He did ask for the following motions:

M-3 *Mr. Scott made the Motion Approve partial payment No. 3 (Final) to Michael Facchiano Contracting, Inc. for the 2016 Roadway and Storm Sewer Improvement project, Contract No. 16-R01. The amount is \$99,205.32 per the recommendation of the Borough Engineer; second by Mr. Moeller. Upon vote, Mr. Fischer voted no. A roll call was taken and the motion passed 6-1.*

Mr. Stelmasczyk asked if there were any questions on the motion, none were asked.

M-4 *Mr. Scott made a Motion to approve partial payment No. 2 to Guyer Brothers, Inc. for the Lick Run Wet Weather Flow Strategy, Contract No. 14-S2. The amount is \$380,322.05 per the recommendation of the Borough Engineer; second by Mr. Behers. Upon vote, motion passed unanimously.*

Mr. Stelmasczyk asked if there were any questions on the motion, none were asked.

M-5 *Mr. Scott made a Motion to approve partial payment No. 1 to Mele & Mele and Sons for the Lick Run Wet Weather Flow Strategy, Contract No. 14-S1. The amount is \$377,665.81 per the recommendation of the Borough Engineer; 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 two items are on tonight's agenda for motions. The first item is the first reading and motion to advertise potential Ordinance No. 872 regulating the operation of motorized recreational vehicles in the Borough. It provides a comprehensive set of regulations for the utilization of dirt bikes in the Borough. It prohibits tracks, establishes hours of operation outlines other guidelines to be enforced. It will be advertised in detail in the paper and on the website along with a copy to be provided at the Borough building.

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M-6 *Mr. Ducker made a motion for a First Reading and Motion to advertise potential Ordinance No. 872 Regulating the Operation of Motorized Recreational Vehicles in the Borough; second by Mr. Behers. Upon vote, motion passed unanimously.*

Next, Mr. Lederman explained the next motion for adoption:

M-7 *Mr. Fischer Motion to Adopt Ordinance No. 874 regarding the Parking of Commercial and Recreational Vehicles in Residential Districts; second by Mr. Ducker. Upon vote, motion passed unanimously.*

Mr. Moeller asked to encourage the passing of this Ordinance, however commented that there may be a need for adjustments in the future. Mr. Stelmasczyk asked if there were any questions for the Solicitor, none were asked.

MAYOR'S REPORT

The Mayor reported calls for the month for September were 657 and calls given to police from 911 were not available. (The 911 call statistics were not available for other communities and they are trying to figure out how to get these for the Borough) He read a brief overview of activity for and K-9 Officer Niko with Officer Parrotta and K-9 Officer Ajay with Officer Pagane.

The Chief announced the DEA Annual Drug Take Back Initiative will be on Saturday, 22, 2016 from 10:00 am – 2:00 pm at the Borough Building. Also as a reminder, a secured drug collection container is available Monday – Friday from 8:30 am – 4:30 pm at the Police Department if needed at any time.

The Chief also gave a presentation to Officer Michael Falcione for an incident on September 4, 2016 for the apprehension of a firearm theft suspect and recovered the stolen firearm.

Additionally, K-9 Ajay received a bullet and stab protective vest as a charitable donation by a non-profit organization, Vested Interest in K9's Inc. This vest was sponsored by Vision Benefits of America, Inc. and was presented to the Borough at the meeting.

Mr. Stelmasczyk asked if anyone had any questions for the Mayor. None were asked.

Mr. Stelmasczyk mentioned two items that were not listed on the Agenda and would allow anyone from the audience to comment on these items if interested. The first is in reference to a parking study on Willett Rd. done by Sergeant Tom Kearns. The motion was read:

M-8 *Mr. Ducker made the motion to adopt a Police parking recommendation on the 4000 block of Willett Rd.; second by Scott. Upon vote, motion passed unanimously.*

Ginny Allen of 4006 Willet Rd. would like this recommendation to be passed since she has difficulty in parking due to this issue. Ron Butler of 4015 Willett Rd. stated that he is not in favor of this recommendation.

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M-9 *Mr. Moeller made the motion to adopt the recommendation by the Police Department for a handicap request at 3557 Wallace Drive; second by Mr. Fischer. Upon vote, motion passed unanimously.*

ADMINISTRATION

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

The first is in conjunction to the Library agreement for the potential for a grant and an additional resolution is required for the matching funds of the grant. Mr. Barrett would like to ask for the following motions:

Mr. Barrett explained the first is required through ACT 205 which states that State Aide for municipal pension plans must be accepted via resolution by Borough Council.

M-10 *Mr. Scott made the motion to Approve Resolution No. 2016-10-21 allocating \$301,850.58 of State Aid Pension Funds to the Borough of Baldwin Pension Plans; second by Mr. Behers. Upon vote, the motion passed unanimously.*

Mr. Barrett explained the heating and cooling issues in the Borough Building. Two proposals were received for the necessary pipe replacement work, and sealed proposals were opened earlier this month.

M-11 *Mr. Fischer made a motion to award the Borough Building Pipe Replacement Project to Emcor Services for an amount not to exceed \$180,100; second by Mr. Ducker. Upon vote, motion passed unanimously.*

The Mayor asked about a timeframe, Mr. Barrett said approximately two months of work. In addition, Mr. Stelmasczyk asked about asbestos testing excluded and not being needed. Mr. Barrett explained this will be coordinated by the Borough and that work can begin away from the areas that require remediation, and the project should not be delayed by the remediation efforts.

M-12 *Mr. Scott made a motion to Award Service Agreement to 'Paycor' for Payroll Services, the annual amount not to exceed \$5,883.50; second by Mr. Ducker. Upon vote, motion passed unanimously.*

Mr. Barrett explained this was a recommendation by both Council and the Finance Committee to aid with staff turnover within the Borough by outsourcing payroll services. The contract allows for termination within 30 days if needed and to begin the process for 2016 with the current payroll staff.

Mr. Barrett announced the November Agenda meeting will need to be changed to the next day due to the elections.

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M-13 *Mr. Scott made the motion to advertise a change in date for the November 8, 2016 Agenda Meeting to Wednesday, November 9, 2016 at 7:00 pm due to Election Day; second by Mr. Fischer. Upon vote, motion passed unanimously.*

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

Mr. Stelmasczyk mentioned that Council did meet for a session before tonight's meeting on a contractual issue.

FINANCE

Mr. Fischer noted the monthly financial reports with Revenues and Expenditures as well as the current cash position 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 September 2016. Mr. Fischer would like to ask for the following motions:

M-14 *Mr. Fischer made the motion to approve the Treasurer's Report for September 2016; second by Mr. Conley. Upon vote, motion passed unanimously.*

M-15 *Mr. Fischer made the Motion to Ratify Bills in the Amount of \$382,773.64 and approve bills in the amount of \$2,840,578.58 for a total of \$3,223,352.22; 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 explained the Borough has completed its Departmental Budget review process for 2017. To help offset contractual expenditures, Public Works will be completing most of the demolition work included in the auditorium project and upcoming park projects. Later this month, the Elm Leaf Outdoor Storage Yard will be improved to include open air bays for the storage of materials and supplies. .

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-16 *Mr. Conley asked for a motion to approve the October Blanket Approval List for the Borough parks and facilities explaining the Cub Scouts are asking for the use of the Borough Building January 20th and 21st in 2017 for their Annual Pinewood Derby with a fee waiver; second by Mr. Fischer. Upon vote, the motion passed unanimously.*

M-17 *Mr. Conley asked for Approval for a request from the Baldwin Kiwanis for their Holiday Festival on Friday, December 2, 2016 from 6-9 pm at the Baldwin Borough Municipal Building. A fee waiver is asked for this event; second by Mr. Fischer. Upon*

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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 the Planning Commission Meeting was held on October 10, 2016 at 7:30 pm. The YMCA property is being sold and will be developed as an apartment complex.

The Zoning Hearing Board Meeting is scheduled for October 20, 2016 at 7:30 pm. to handle an appeal and a variance. Mr. Moeller noted everyone had their Building Inspection Monthly reports:

September 2016 fees collected a total of \$7,080.09 compared to \$14,736.88 for September 2015. The YTD fees collected for September 2016 were \$61,533.22 compared to \$110,806.37 in 2015. As a reminder, the large gap is due to last year with fees in new commercial property, The Crossroad Towers at the Cloverleaf.

Mr. Scott mentioned the Cloverleaf developers are the same ones to develop the possible new property at the current YMCA location. This income and housing would be beneficial to the Borough.

Mr. Stelmasczyk asked if there were any questions for Mr. Moeller.

PUBLIC SAFETY

Mr. Ducker noted everyone has received one Volunteer Fire Department Monthly Activity Reports along with the Emergency Medical Service Monthly Report.

Mr. Ducker said BEMS has received three awards, EMS of the Year, Pediatric recognition at the Master Award Level from the state and lastly with the American Heart Association, the Gold Medal of Excellence in cardiac care. Further information can be found on their website. Council congratulated them for all of their achievements.

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

PERSONNEL

Mr. Scott had nothing to report for tonight's meeting noting an executive session was held prior to the meeting on a contractual matter.

NEW BUSINESS

Mr. Stelmasczyk asked if Council had anything to comment on for tonight. Nothing was asked.

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

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Mr. Stelmasczyk asked if anyone from the audience would like to address Council with anything related to Borough business. A resident had complained for several months about his storm sewer being backed up from heavy rains and after several months of waiting, he was glad to have the Public Works Department handle this matter for him.

Anthony Clauser of 1448 Agnes Rd. asked about the overhanging tress on electrical lines and who was responsible for this tree trimming. Mr. Stelmasczyk said he should contact the electric company.

Rich Odato of 4013 Willett Rd. complained about a neighbor's bird feeder bringing problem animals to the area. He would like to ask the Borough consider passing a Resolution in the future.

Ken Gault of 163 Kathleen Dr. raised issues of the "no parking from here to corner" sign that has been installed. Neighbors consistently park right behind his driveway making it difficult for him. Mr. Stelmasczyk will ask for a Police traffic study to be done in this area again.

Ken Moeller of 1015 Edward Dr. had complaints with Commercial parking and wanted to know who to contact when this occurs. Mr. Barrett explained this can be enforced now there is an ordinance in place, the Code Enforcement Officer or the Police Department can work together to enforce. Council discussed proactive versus reactive enforcement and how the restriction of commercial vehicles parking on residential streets will be enforced.

Lorraine Butler of 4015 Willett Rd. had recommendations for No Parking signs and other options other than a sign posted in her yard. She believes it will bring down the value of her property. Mr. Lederman explained the Borough owns 25ft. of the right of way and they will be posted in these areas.

Mary Odato of 4013 Willett Rd. explained her issues with a No Parking sign in her yard and it was explained Council will discuss this further.

Mark Bloginger of 2800 Waterman Ave. does not understand the issues of Commercial vehicle parking in the Borough and why it could not be discussed without having to pass an Ordinance to enforce the issue. Council explained it's unfortunate not everyone will be happy with the Ordinance but it was necessary to enforce problem issues within the Borough.

The meeting adjourned by Mr. Stelmasczyk at 9:00 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