

President Joe Ballas called the caucus meeting to order.

Manager Tim Little mentioned that Council has the application from the Allegheny County vacant property recovering program that was initiated back in Feb. by Matt Krupp. He has applied for a vacant lot at 616 East 13th Ave. Council can wait until November to vote of this. Borough Solicitor Greg Evashavick stated that legally, everything is in order. Bob Bicey mentioned this is a lot that we take care of every year.

Tim Little spoke with Mike Foreman from the DCED about the facilitation of the borough manager search and council has a letter of intent for technical services and that just needs to be passed as a motion and is no charge to the borough.

Borough Solicitor Greg Evashavick mentioned the ongoing TIF litigation. All the tax revenue for the tax payments of real estate in the TIF zone goes to the TIF fund that pay various expenses. There has been historically NET revenue left over from the tax dollar and we get 30 percent of what is left over. We questioned if we had to pay the properties located in the TIF zone and we never had. Homestead complained that they didn't have the money and TIF had to pay this and they did out of their fund. Our position has been that's not what the TIF agreement provides. At the end of each year whatever money is left over, they distribute the money to them according to the percentage and we received that money. Turns out that \$350,000 of common fund money was paid for Homestead tax refund and we feel that 30% of that should have come to us and GAI wants a tax refund to pay out of the common fund money and we are opposing that. West Homestead and the School District are supporting Homesteads position. **Councilman Dan Lloyd** believed that if they borrowed it would go against future proceeds. **Borough Solicitor Greg Evashavick** stated that this will need to go into executive session when the trial get closer and will need an analyzed of what the borough paid from the general from the TIF fund for the past ten years. The date of the trial is February 19th, 2014, all day.

Councilman Bernie Shields asked Engineer about the various paving of the streets. How do we know that they are paving to our specs. Engineer mentioned that the borough has the application from the street openings. We have inspectors that we can provide. **Councilman Rob Falce** mentioned to have public works director or Borough Code Enforcement to check on the project.

Councilman Dan Lloyd asked the Borough Solicitor about paragraph J page 17 if we can do that here with respect to pension payments and deductions. **Borough Solicitor Greg Evashavick** seems that it's the traditional ACT 600 application that the police must pay 5% unless there is no contribution requirement. **Councilman Lloyd** stated that we have actuary study that shows that we have an MMO due and we weren't getting contributions from the police department. Do we go back and ask for these contributions? **Manager Little** stated that we owe \$260,000. There is a meeting scheduled for November 6th with the bargaining committee. **Councilman Lloyd** stated that the contract defers to Act 600 when an MMO is due. Borough Solicitor mentioned that you need to have a meeting with the Collective Bargaining Unit to make them aware of everything that has been going on.

Borough Solicitor Greg Evashavick mentioned that we negotiated with the non-uniform plan that the new hires after the date of the new contract would go into the defined contribution plan and since then we have had new hires. Their retirement money should be going into this new plan. We are doing that now. We need to create an ordinance and amend the pension plan. We need to contact a specialist to bring the pension plan up into compliance with laws and draft an ordinance to bring this up to speed. There are tax issues with the IRS.

Manager Little stated that Council has one set of minutes to approve tonight, which is the Aug 14th work session that John Leinendecker emailed to you. I am reviewing Harry Faulk's minutes since this is the first time he has worked on minutes.

- I. President Joe Ballas called the Council Meeting to order at 7:00pm
- II. Mayor Bodnar led the Pledge of Allegiance.

Moment of silence for the passing of ex-fire chief William Purifoy of Homestead.

- III. No preliminary announcement.
- IV. Roll Call:

Councilman Dan Lloyd-present
Councilman Harvey Inglis-present
Councilwoman Dana Ditillo-absent
Councilman Joe Ballas-present
Councilman Rob Falce-present
Councilman Bernie Shields-present
Councilman Rich Votedian-present

Also present: Mayor Ray Bodnar, Interim Borough Manager Tim Little, Code Enforcement David Cannon, Public Works Bob Bicey, Borough Solicitor Greg Evashavick, Borough Engineer Lindsey Jewart

- V. Joe Ballas announced that anyone recording must remain in your seats and announce that you are recording.
- VI. Notice given to all public speakers addressing council.
- VII. Public Speaker:
 1. Ron Lapko's name was stated three times with no response.
- VIII. Public Comments of Agenda Items and Agenda Items Only
 1. **Greg Sofilkanich** of 310 West Larkspur St, Munhall made a presentation to the planning commission on September of combining the two lots and it was approved. I am seeking approval from council to combine the two lots, my lot and the empty lot next door. I am seeking a letter to allow for tax purposes only to combine two properties with two separate deeds.
 2. **Larry Rettger** of 2408 Perry Street, Munhall asked when does agenda item #3 come into effect. Councilman Joe Ballas states immediately. **Manager Little** stated the detail rate is \$59.29 per hour with a discounted rate to the school district of \$125 per event along with the waterfront. Larry questioned if anyone else is getting a discount such as churches. **Councilman Shields**

stated the \$59.29 rate. **Councilman Lloyd** questioned if there is a four-hour minimum for a detail. **Borough Solicitor** stated that the company signs a contract and the details are in that contract. **Borough Solicitor Greg Evashavick** read the contract as “the hiring entity agrees that if the extra duty requests cancels for any reason and the officer received less than four hour notice of the cancellation shall be paid two hours of compensation. The hiring entity also agrees to a minimum of call out time of four hours. Any work done after 15 minutes past each hour there after the four hours, the officer shall be compensated for each full hour. The mayor and police chief has the company sign these contracts. **Councilman Lloyd** questions the \$4.21 for FICA. He doesn’t believe that that figure doesn’t cover workers compensation. **Council President Joe Ballas** took this item off the agenda.

3. **Donna Dreshman** questioned the motion to ratify the payment of bills and what will the fund balance be? **Manager Little** stated \$1million. Donna Dreshman also inquired about taking out a tax anticipation loan. Manager little stated that he advised council about it. Donna asked about the job description for the new borough manger. **Borough Solicitor Greg Evashavick** stated there is an ordinance to address that. Donna asked if there will be a contract in place for the new manager. **Councilman Lloyd** replied that it will be at will employment. Donna also asked about agenda item #7 about the paving this fall? **Borough Engineer Lindsey Jewart** stated all paving is done. There will be a final walk through in the next two weeks. Donna addressed agenda item #10 about what street is this on. **Councilman Ballas** replied 616 East 13th Ave. Donna also wanted to ask the director of public works a question. On Woodhill Drive, they dug up the street and put drainage in. That wasn’t paved curb to curb. **Code Enforcement Dave Cannon** replied that our guys did it, so it doesn’t apply to the ordinance.

- IX. Move to approve the minutes of the August 14, 2013 work session meeting minutes.

Motion: Lloyd Second: **Passed**

Move to approve the Aug 21, 2013 Regular Meeting Minutes of Council
Council President tabled this motion due to not having the minutes

Move to approve the minutes of the September 11, 2013 work session meeting minutes.

Move to approve the September 18, 2013 Regular meeting minutes of Council.

Manager Little wanted to keep these on the agenda so they don’t get forgotten.

- X. Report from the Borough Officials

- I. **Mayor Ray Bodnar:** The flyer from the Enterprise Zone regarding the Waterfront area that housed the furniture store is being leased. The drug take back is on Oct 26, 2013 here at the fire department next store. The devils night is Oct 30th and have all public safety departments visible and the following night is trick or treat 6-8p. The parade is next Saturday with line up at 230 at first commonwealth bank and end at the #4 fire hall. Saturday Oct 19 at 9:00am with Old Lady St Mary’s Church will march with about 300 people.

- II. **Borough Solicitor Greg Evashavick:** 1. Received a letter dated Sept 23 from Allegheny Department of Law about a donation to the county for property of vacant land. County said they were advised by attorney for the estate of Henz that are both deceased are willing to donate the property (179 and 25) to the county because the county needs it to build the Homeville Creek Bridge number 4. There is a statue for this and we have 30 days to consider this. Any tax liens will be extinguished. Council president wants Evashavick to

send a letter to the county that the borough wants to participate if there is any money exchanged. ²The zoning for old St Michaels and Boone Way, I still need a map for the ordinance. Councilman Shields stated that we passed a motion last month to go ahead with a meeting with the boundaries. The maps have to coincide with the new boundaries. ³ Last, I researched the borough code about the prohibiting weapons in the borough building. Fire arms are regulated in the commonwealth. We can regulate weapons but not firearms. Borough Solicitor Evashavick advised to take the current signs down. Scott Stevens from 111 Caroline Street, Munhall mentioned that if this is a government facility then the borough can regulate the possession of a firearm.

- III. **Borough Engineer Lindsey Jewart:** 2013 paving project on East Eugene and Andrew Street is complete. I am asking for a payment of \$120,344.57 and this included 10% retainage. We are working with public works to do a final walk through next week. Lindsey Jewart also asked what meeting we are going to have a hearing to condemn the properties. Manager little replied that it not going to happen until December. Lindsey Jewart is still working on the safe school route. Last thing is the Viola rezoning, is there any other information that you want to give to me? Manager little stated that the Engineer should be involved in this to seek the pros and cons of the rezoning of this area. The planning commission has looked at the big picture and has agreed to rezone this area. A planner from Chester Engineer will help with long term development of the area. Councilman Dan Lloyd disagrees with having a planner. Council President would like a basic plan from the Chester Engineer.
- IV. **Director of Public Works:** council has copy of my report
- V. **Chief of Police:** Joe Cibula mentioned that the handicap program is underway. Officer Williams has been inspecting the locations of where the signs are posted. We had 640 calls. 67 citations were issued and that includes parking. We are requesting \$707.00 to purchase special tourniquets, one for each officer that in the event that they are shot, it can used to help control the bleeding until medics arrive. Council President asked if this was in the budget and if not, put it in for next year. Councilman Votedian mentioned that a gentleman approached him about a handicap application. Joe Cibula replied that there have been a few applications that have disappeared. Councilman Lloyd mention about scanning the applications and then everyone has a copy. Acting Chief Joe Cibula received a round of applause for the outstanding work he has done.
- VI. **Fire Chief:** Fire Chief Matt Pisarcik gave council his report. The fire department responded to 45 calls. A budget request was submitted. Chief Pisarcik mentioned he doesn't know what the building maintenance and utilities costs are since the invoices are turned into the office. Chief Pisarcik term is up at the end of next year. Fire prevent week went well last week and spoke to over 700 children.
- VII. **Code Enforcement:** Code Enforcer David Cannon: Council has my report. Also an odor on Main Street that no one can pinpoint. We believe that someone is dumping something into the sewer. Business owners are happy with what the fire department and sewer authority did to handle the situation. The house on Lea Street will be in litigation for two years. The owner has agreed to start work on the house.

VIII. **Sewer Authority:** Mike Terrick is not here.

IX. **Tax Collector:** Donna Mercuri questioned the Borough Solicitor Greg Evashavick "Is it true that anything a councilmember says on council floor that there is no liability?" Evashavick replied that my job is to answer legal questions to council and not anyone else. Donna Mercuri mentioned that back in April 18, 2013, the borough wasn't able to pay its bills for the end of March and April. Tax deposits are always in the beginning of May. Council sets the budgets; Donna Mercuri mentioned that she brought in more money than before. Manager Little talked about it is a cash flow problem. March is the lowest point. This is why municipalities take out a TAN. Next, Donna has been requesting the ordinance on the Tax Collector's compensation package and I have been sworn in twice so far and haven't received it. President Ballas stated that he will work on it. Donna Mercuri also mentioned that the audit for 2011 fell through the cracks per the newspaper. I want it on record that since March of 2012 I have requesting and reminding the proper official in the borough that that audit needed done. Council President Ballas stated that he can verify this because you did tell me about it. I told the borough manager at the time and he stated that it was being done and he gave me the names of the auditor. Come to find out council never approved any auditors. The borough manager assured Councilman Ballas that they were done. Donna Mercuri asked if the forensic audit that is being performed, is that going to count for the 2012 audit? Council President Ballas stated that is just the audit for the Tax Collectors office. The tax office will be audited for the third time. Councilman Ballas said the auditor Mr. Tomasic audit is not done due to missing records from the boroughs office. Mr. Tomasic's words are the problem is from the borough office not the tax collector. Manager Little stated that Harry is constantly looking through boxes for tax information with no success. Mr. Tomasic is trying to reconcile the real estate tax delinquency. Jennifer from Legal tax service said the information that Mr. Tomasic is going out to him today. Mr. Tomasic will start his report once he receives those records. Mr. Tomasic mentioned that there are no irregularities in the tax office. Donna question how much is the audit of the tax office costing the tax office? Councilman Ballas stated the Mr. Tomasic will have those numbers shortly. Donna also asked why an audit of the Borough Office was not done immediately. Councilman Ballas replied that we didn't have the information of the payroll reports. Manager Little stated the we received the W3's from the IRS. If the audits are not done by June, the borough will loose \$350,000 of RAD money.

XI. Items for Consideration

I. Move to ratify the payment of

- Pre-paid bills: September 19, 2013-October 16, 2013: \$167,334.50
- Bills: October 17th, 2013 \$155,967.43
- Payroll: September 27, 2013 - \$130,425.75
October 11, 2013 - \$120,631.97

Motion: Falce Second: Votedian Passed

1. Motion to enter into a Lease and Holds Harmless Agreement with Brian Sandwich Shop dba Pyrotopia for the Pyrotopia event on May 10, 2014

Motion: Inglis Second: Shields Passed

2. Motion to approve to combine the properties of Greg Solfikanich at 310 East Larkspur St (180-E47 & 180-49-E49) pursuant to Allegheny County's Parcel Combination procedure and the Subdivision and Land Development Ordinance of the Munhall Borough

Motion: Falce Second: Shields Passed

3. Motion to adopt the Munhall Police Department Detail Hourly Rate
a. Off until next month due to Manager Little working on more accurate figures

4. Move to authorize the advertisement for the Borough Manager Position.

Motion: Shields Second: Votedian Passed

5. Motion to advertise for 2014 Budget Meetings

Motion: Inglis Second: Votedian Passed

6. A motion to adopt The Memorandum of Agreement between the Steel Valley School District and Munhall Borough Police Department to assist in case of emergency, act of violence, weapons possession or related incidents.

Motion: Lloyd Second: Inglis Passed

7. Move to approve payment for pay estimate #1 to A. Folino Construction, Inc., on the recommendation of the Borough Engineer in the amount of \$120,344.59 this to be paid from the Liquids Fuels account.

Motion: Falce Second: Votedian Passed

8. A motion to approve the Letter of Intent requesting technical assistance from the Governor's Center for Local Government Services for the Borough Manager Selection Committee.

Motion: Lloyd Second: Falce Passed

9. A motion to appoint Matt Bovey to the Munhall Municipal Sewage Authority.

Motion: Shields Second: Falce Passed

10. A resolution of the Borough of Munhall approving that the acquisition and subsequent disposition of numerous parcels of vacant property known as lot and block numbers 130-S-190 (616 E. 13th. Ave) would be in accord with the comprehensive plan of the municipality.

Motion: Votedian Second: Inglis

11. A motion to authorize the borough engineer to supply to the solicitor a zoning map for the rezoning hearing on Nov 13 of those lots and parcels numbers

Motion: Lloyd Second: Falce Passed

Donna Dreshman of 3629 Forest Ave, Munhall asked are the boundaries ar McClure to Andrew and the one side of Boone Way. Is there going to be a mailing to the residents. Manager Little stated that it is already done.

XII. Other Items

- I. Councilman Falce would like to make a motion to authorize the manager to advertise for the naming rights of Mayor William Knight Memorial Field and not loose the name but in addition to the name to see if there is any interest.

- Councilman Ballas asked where would you advertise? Councilman Falce replied in the newspapers.
- Council Lloyd asked if someone can bid \$100? Councilman Falce replied all bids can be rejected and it would be a negotiation.
- Boro Solicitor Greg Evashavick replied it would be a letter of interest to open the lines of communication.
- Councilman Lloyd replied that its premature at this time due to we could open ourselves up to a discrimination case for denying people from the interest.
- Councilman Falce agreed and stated that we will start asking companies and would like to keep this open up to discussion.
- Larry Rettger from Perry Street mentioned that we should research what other municipalities did to beautify their stadiums.

❖ Motion was dismissed by Councilman Falce

- II. Mayor Bodnar stated that Nov 6th at Park School there will be a Veterans Day special. November 7th Barrett Elementary will have a Veterans Day Special. The Steel Valley Veterans Day Committee program is at Nov 8th at the High School.

XIII. Motion to Adjournment

Motion: Votedian

Second: Falce

Passed