

Borough of Munhall
Regular Council Meeting Minutes
Wednesday, October 16th, 2019 7:00 P.M.

- I. Call to Order – Vice President Votedian**
- II. Pledge of Allegiance – Mayor Rick Brennan**
- III. Preliminary Announcements**

Mayor Brennan suggested to move motions #4 and #5 to the beginning of the meeting so the Officers can be sworn in. Council agreed.

Motion to Hire Todd Shipley, Patrolman with Munhall Police Department

Motion: Councilman Ballas; Second: Councilman Ingles;

Vote: Unanimous

Motion to Hire Jared Ruffing, Patrolman to Munhall Police Department

Motion: Councilman Ingles; Second: Councilman Votedian;

Vote: Unanimous

Mayor Brennan welcomed and both Officer Todd Shipley and Officer Jared Ruffing were sworn in.

Councilman Harvey Ingles voiced concern about a letter he received from Chief Campbell and Mayor Brennan regarding access to the Police Station. Mayor Brennan explained his reasoning behind the letters. There was a discussion between Council, Mayor Brennan and the Solicitor regarding access and clearances needed.

Roll Call: Councilman Ballas; Councilman Inglis; Councilman Petruzzi; Councilman Stein; Councilman Tichon; Councilman Votedian; President Falce – All present except President Falce

IV: PUBLIC HEARING:

Solicitor Evashavik explained the hearing for ordinance 1596 (Amends 1386) – The fee schedule for Legal Tax Service's collection of delinquent taxes and garbage fees. The fee structure needed to be updated.

Donna Dreshman asked if it advertised online or put on website? Manager Varhola advised it is not. She asked if it can be added and he advised yes. She then asked how the structure compares to the past structure and Mr.

Varhola advised it is less than 2018 and should save the borough \$250,000.00.

Solicitor Evashavik concluded the hearing and the ordinance can be adopted.

Motion to approve Ordinance 1596 – Amending Ordinance 1396, approving fee changes with delinquent taxes collected.

Motion: Councilman Tichon; Second: Councilman Petruzzi;

Vote: Unanimous

2nd PUBLIC HEARING:

Solicitor Evashavik explained ordinance 1597 an additional means to enforce codes. He explained it had been discussed at numerous meetings over the last 6 months. He stated it gives the Code Enforcement Officer a means of enforcing ordinances without going through the formal citation process. A preliminary process. A ticketing process for violations like not cutting their grass or debris on their property. Allowing Code Enforcement to place a ticket on the door or entryway of the home, which gives an option to avoid a formal citation by paying a simple fine and then resolve the violation. It is a quicker way for code enforcement to resolve the issue with the property owners and enforce the borough ordinances.

A resident asked if it will help get rid of the “slum lords”? And Chief Campbell explained ordinance 1506 regarding police calls to a property 3 times.

A resident asked who will set the fees. Solicitor Evashavik advised, the penalty for the first violation is \$25, and the second violation is \$35, and that is set. What is subject to change is the ordinances that Dave Cannon feels best suit the ticketing structure. These ordinances include ordinances such as grass, trash, etc.

Councilman Elect Kevin Ondo clarified with Solicitor Evashavik that it is up to the Dave Cannons digression. Solicitor Evashavik advised it has always been his discretion who gets a violation. Councilman elect Ondo asked what the process would be if the resident disagrees with the violation and Solicitor Evashavik stated if they don't want to pay, they can go through the process with the magistrate. He advised this is a less expensive and less intrusive process for the homeowner and that the resident can choose to go before the magistrate.

A resident asked if there would be a grace period and Solicitor Evashavik advised it will be up to Mr. Cannon to decide within the bounds of the ordinance.

Mr. Cannon said he will speak to other municipalities and find out what process they are using (5 days, 7 days, 2 weekends or 9 days) post hanger. Solicitor Evashavik advised they are not trying to surprise people so maybe knocking on the door and advising to fix the issue or a hanger will be left is a possibility. Dave advised he would agree and Solicitor Evashavik advised Dave is saying there could be a grace period according to his plan.

Maureen Fry clarified if it would be strictly up to Mr. Cannon's discretion. She states she would like to see residents continue to be able to call in and a record to be kept of those calls. She feels it shouldn't be up to one person's discretion to make decisions who gets a warning and who gets an actual fine. Solicitor Evashavik clarified that if one neighbors grass is 3 ft tall and the other neighbor's grass is 1 ft tall, they will both get the same warning or fine. He also stated that residents will be allowed to continue to call in to report issues.

A resident asked if the list of the fines can be posted on the website. Mr. Cannon advised yes.

A resident asked if there is a copy of the ordinance that can be viewed to see what it proposes. Solicitor Evashavik advised it was available for weeks for review in the Borough office and it was advertised. Borough Manager Joe Varhola advised her to stop in the office and he would give her a copy. She then asked what specific codes that will be enforced. Solicitor Evashavik advised, as stated previously, Mr. Cannon will use his judgement, but examples given were failure to remove snow and ice, failure to remove junk from property, failure to clean up dog waste, dumping and rubbish violations etc. The resident stated she felt like Council would be voting on something that hadn't been defined and Solicitor Evashavik disagreed saying that the violations are already violations according to code, they are just voting to approve the ticketing process. There are no new violations being voted on.

Donna Dreshman asked what newspaper the advertisement was listed in and the Borough Manager advised the Valley Mirror. She also advised Mr. Varhola that in past years, the ordinances that were to be voted on, were placed on a table so residents could read them over prior to the meeting. Manager Varhola advised the secretary, Becki Wirth, is out of town and not able to print in advance. He also thanked Rose Ann Needham for her work and preparation for the meeting. Mayor Brennan asked if the ordinance, in its entirety, is placed in the newspaper and Solicitor Evashavik advised that it is summarized as the cost would be

great to run all ordinances in their entirety. And that it is not required to run an entire ordinance. Manager Varhola asked Mrs. Needham if the administration office had received calls regarding the ordinances to be voted on this evening and she advised they had not.

Mayor Brennan asked Solicitor Evashavik what would happen if he were to veto the ordinance. Solicitor Evashavik advised they can override the veto with two thirds vote. He believes they can do it at the next meeting. Mayor Brennan clarified to the audience of residents that he has 10 days to veto the ordinance and then Council would have to bring it back up again at the next public meeting. Solicitor Evashavik stated he would check but he knows there is a time limit for the Mayor to veto it and a time limit for Council to bring it back for another vote.

Donna Dreshman asked if the Mayor must veto it at a public meeting and Mayor Brennan advised no. Mayor Brennan stated if he were to veto the ordinance, Council would have to advertise again and bring it up at another meeting. Solicitor Evashavik advised it does not have to be advertised again but it would need to be brought up again at a future meeting. Mayor Brennan advised it would have to be on the agenda to vote on it and Solicitor Evashavik advised it doesn't need to be on the agenda as Council can bring a motion at any time. Vice President Votedian explained that the items on the ordinance are nothing new and Mayor Brennan said he knew that. Mayor Brennan said the residents don't understand that and that the ordinance should be there to read.

A resident advised the concern may be with code enforcement singling out certain properties. He said all properties should be cited if need be. He feels it shouldn't be up to one person's discretion. Manager Varhola advised he spoke to the Manager in Jefferson Hills. He advised every borough has issues with neighbors not cutting grass but most residents don't know the process is to visit the property, cite the resident, go back to the property in 10 days to see if the grass has cut and if not take the home owner to the magistrate which leaves the rest of their neighbors looking at the grass for a long period of time. He explained that they are trying to get the homeowners to resolve the issue prior to having to go to the magistrate. Costing them less than the magistrate would fine them and getting the issue resolved in a timelier manner. Solicitor Evashavik advised the discretion of the Code Enforcement officer is the same prior to passing the ordinance as it will be after the ordinance is passed. The resident again said he wants to make sure if there is high grass at multiple locations on a street that all the homes with the violation will be cited. He stated he feels that it is the "beginning of the end" in the neighborhood he grew up in and that the only reason people buy houses there is because they are cheaper than anywhere else. Manager Varhola advised this is what we are trying to avoid and that hopefully this will resolve issues quicker. The resident advised its just a ride up and down the street. Mr.

Cannon gave the example of 16th Avenue. He confirmed with a resident present that he is responding to calls she has made regarding the property and that she sees him looking at other properties while he is on the street. That resident confirmed she has called numerous times and indeed he does ride up and down the street while he is there. Dave stated he does address the whole street. Solicitor Evashavik confirmed that is what he has been doing and Mr. Cannon confirmed he has been doing so for 12 years.

A resident advised the Batch Foundation grass is high and asked if they would be receiving a citation.

A resident has a concern that there will be residents who do not receive the newspaper and aren't able to go online to read ordinances. She asked about the length of the ordinance. Solicitor Evashavik advised of the length and Borough Manager Varhola advised to stop in the office and one will be available for view.

Vice President Falce proceeded with the motion.

Motion to approve Ordinance 1597 - Amending code of ordinances to provide additional means of enforcement.

Motion: Councilman Tichon; Second: Councilman Petruzzi;

Vote: Unanimous

V. Speakers:

NOTICE TO ALL PUBLIC SPEAKERS ADDRESSING COUNCIL

- **COMMENTS WILL BE LIMITED TO THREE MINUTES**
- **MUST AVOID REFERENCES TO PERSONALITIES AND PERSONNEL RELATED ISSUES.**

Maureen Fry - 124 W Virginia Ave. - Mrs. Fry asked about the council chambers microphones, the permit process, checks written from the Borough General Fund and finance meeting cancellations and payroll for Councilmembers. All were addressed by either Council members, the Borough Manager or Dave Cannon.

VI. Reports

Mayor - Mayor Brennan explained his reasoning behind the letters he sent out regarding restrictions to the Police Station. He explained the meetings he held and procedures he put into place when he was finance chair. Mayor Brennan voiced his concerns regarding the vote on motion 14 during the September 18, 2019 meeting. He gave his opinion and concerns with different items included in the plans from TKA Architects. He discussed the bid process with Engineer Colin Lampark. Mayor Brennan asked about the plans to pay for the project and Manager Varhola advised a Bond. There was a discussion about the Bond process. Mayor Brennan then addressed the Waterfront property. He read items from the recent NUVO ground testing report and he is of the opinion that it is "poppycock". Mayor Brennan addressed motion 7 and feels that the borough insurance should be bid the same as the towing bid. Manager Varhola explained Travelers insurance and the Borough coverage. Mayor Brennan voiced his dissatisfaction about the towing bid. Council and Mayor Brennan continued discussions about the plans for the Borough building and Munhall Fire Central. Councilman Votedian advised there have been conversations with the Fire Department but nothing is in stone. Mayor Brennan continued to voice his concerns about the current architectural plans.

Councilman Stein and Mayor Brennan discussed comments made at the prior months meeting regarding the TKA report.

Solicitor - Solicitor Evashavik advised everything he had to report has been covered this evening.

Manager - Opened the towing bids. The results are as follows:

	Private Party Basic	Private Party Mileage	Munhall Borough	Munhall Borough Mileage	Certificate of Insurance submitted?	AAA Towing Service (Y or N)	Number of Vehicles	Number of Employees	Employees Drug Tested (Y or N)
Halbeib Automotive									
Fees for Service	\$29.00	Starting .29 cents	Starting \$10.00	NA	Y	N	8	30	Y

	Private Party Basic	Private Party Mileage	Munhall Borough	Munhall Borough Mileage	Certificate of Insurance submitted?	AAA Towing Service (Y or N)	Number of Vehicles	Number of Employees	Employees Drug Tested (Y or N)
Precision Body and Service, Inc. Fees for Service	\$125.00	\$3.00	\$150.00	NA	Y	N	3	4	N

	Private Party Basic (plus \$45 per day storage)	Private Party Mileage	Munhall Borough	Munhall Borough Mileage	Certificate of Insurance submitted?	AAA Towing Service (Y or N)	Number of Vehicles	Number of Employees	Employees Drug Tested (Y or N)
Culgan Towing Inc Fees for Service	\$185.00	\$0.00	\$0.00	NA	Y	N	11	10	N

	Private Party Basic	Private Party Mileage	Munhall Borough	Munhall Borough Mileage	Certificate of Insurance submitted?	AAA Towing Service (Y or N)	Number of Vehicles	Number of Employees	Employees Drug Tested (Y or N)
Mac's Towing Fees for Service	\$45.00	\$0.00	\$0.00	\$0.00	Y	Y	7	0	N

Spreadsheet Created following the meeting

Engineer - Report submitted. Mr. Lampark advised he will be meeting with the contractor regarding paving. He also advised of upcoming CFA monies available for water and sewer projects. He stated he and Joe had a meeting with the sewer authority to discuss joint projects.

Public Works - Report Submitted.

Police Chief – Reports submitted. Chief Campbell discussed plate readers and the significance to the department.

Fire Chief – Report submitted. Chief Pletsch advised of the upcoming Fire safety classes that Lenny Cole will be conducting with schools and that he will be conducting at St. Therese and the Met House. He also commented that the fire departments will have a say when decisions are made regarding the #2 fire station. He discussed the differences between

a paid and volunteer force. They have been involved with discussions and will work closely with Council and the Mayor.

There was a lengthy discussion about the fire department being involved with discussions regarding the stations. Chief Pletsch reiterated the dichotomy of the department and their involvement with future meetings regarding the department. He understands being patient while the final details are worked out.

Code Enforcement – Report submitted. Additionally, the Zoning board met regarding Propel school variances; no decision was made. Solicitor Evashavik advised Mayor Brennan that he and the planning commission will have a public hearing in a few weeks regarding rezoning 9th and 10th Avenues. Mayor Brennan advised of his town hall meeting and that the residents will be happy to have a resolution. He also asked about discussed an animal ordinance.

VII: Questions on Items for Consideration.

Michael Capp – Motion 12 and 13 – Mr. Capp had questions about the contract end date and parking. Manager Varhola discussed both with Manager Varhola. Solicitor Evashavik advised there is no legal right to take the building back.

William Hanna - 138 Carnold Drive – Motion 13 - Mr. Hanna voiced his concerns regarding the order of the processes taking place regarding Willis Center. Manager Varhola had a discussion with Mr. Hanna regarding the plans. Engineer Lampark interjected to try to help the resident understand the philosophy of the design. The resident reiterated his concerns for the process.

Laurie Brennan – Woodhill Drive – Motion 12 and 13 - Mrs. Brennan stated her concerns about Council making decisions without resident input regarding the plans.

Mayor Brennan – Woodhill Drive – Motion 12 and 13 – Mayor Brennan asked to explain the Bond process. Solicitor Evashavik explained the process. Manager Varhola stated there is a resolution to reimburse borough general fund monies spent from the bond. Mayor Brennan asked what will happen when the residents attend a meeting and say they don't want the monies spent.

James Barca - 1151 Brierly Lane – Motion 12 and 13 – Mr. Barca stated his concerns regarding the proposal and projects for the current building vs Willis Center. Engineer Lampark discussed the design and construction fees.

Lorna Schutte – Center Ave – Motion 14 – Mrs. Schutte asked the details of the vehicle purchase and Chief Pat Campbell explained. The vehicle will be paid out of Asset Forfeiture monies. She voiced her concern about the wording of the motion. Solicitor Evashavik suggested changing the motion to read “motion to ratify”. She then asked about Motion 15. She asked about details of the ordinance regarding handicapped parking. Solicitor Evashavik explained. Mrs. Schutte asked about removal of signs when someone is deceased. Chief Campbell explained. Mrs. Schutte asked permission to ask about a non-agenda item and permission was granted. She asked about how the borough is organized. Solicitor Evashavik advised there are no bylaws but that the Borough has a code and is the law for the Borough.

VIII. Items for consideration:

1. Motion to approve Munhall Police Collective Bargaining Agreement.
Motion: Councilman Ballas; Second: Councilman Ingles
Vote: 5 Yea and Councilman Tichon Abstained
2. Motion to approve Resolution 2019-4 – Pennsylvania State Association of Boroughs Junior Council person program
Motion: Councilman Ingles; Second: Councilman Tichon;
Vote: Unanimous
3. Motion to approve advertisement of Ordinance 1598 – An ordinance establishing requirements for registration of mortgage foreclosure properties, vacant and rental properties; establishing maintenance requirements and penalties for violations.
Motion: Councilman Stein; Second: Councilman Tichon;
Vote: Unanimous
4. Motion to Hire Todd Shipley, Patrolman with Munhall Police Department
See preliminary announcements.
5. Motion to Hire Jared Ruffing, Patrolman to Munhall Police Department
See preliminary announcements.

6. Motion to approve Resolution 2019-5 – CDBG 46 catch basin grant.
Motion: Councilman Ballas; Second: Councilman Ingles;
Vote: Unanimous

7. Motion to authorize Borough Manager to continue Borough Insurance with Travelers.
Motion: Councilman Tichon; Second: Councilman Petruzzi;
Vote: Unanimous

8. Motion to approve Ordinance 1596 – Amending Ordinance 1396, approving fee changes with delinquent taxes collected.
See hearing above

9. Motion to approve Ordinance 1597 - Amending code of ordinances to provide additional means of enforcement.
See hearing above

10. Motion to approve Industrial Appraisal Company in the amount of \$5620.00.
Motion: Councilman Stein; Second: Councilman Tichon;
Vote: Unanimous

11. Motion to approve purchase of two (2) driver's license printers in the amount of \$1964.00 from asset forfeiture account.
Motion: Councilman Ingles; Second: Councilman Tichon;
Vote: Unanimous

12. Motion to authorize TKA to finalize detailed design and create contract documents for the renovations to 1860 West Street for \$199,680.00.
Motion: Councilman Tichon; Second: Councilman Ballas;
Comment on Motion: Councilman Stein voiced his concerns regarding recent blanket statements about the whole town being against the move to 1860 West Street.
Vote: Roll call vote.

Councilman Ballas – Yea
Councilman Inglis – Yea
Councilman Petruzzi – Yea
Councilman Stein – Yea
Councilman Tichon – Yea
Councilman Votedian – Yea
President Falce – Absent

13. Motion to approve Triton Holdings LLC to proceed with the select building demolition and asbestos abatement at 1860 West Street in the amount of \$647,630.00

Question on Motion – Mayor Brenna asked if the bid advertisement(s) were made for both asbestos removal and demolition or just asbestos removal. Manager Varhola advised both were advertised.

Motion: Councilman Tichon; Second: Councilman Petruzzi; Vote: Roll call vote

Councilman Ballas – Yea
Councilman Inglis – Yea
Councilman Petruzzi – Yea
Councilman Stein – Yea
Councilman Tichon – Yea
Councilman Votedian – Yea
President Falce - Absent

14. Motion to ratify** purchase of a police vehicle in the amount of \$29,895.00.

Motion: Councilman Petruzzi; Second: Councilman Tichon;
Vote: Unanimous

**motion updated from Solicitor needs to read to “ratify purchase”

15. Motion to approve a handicapped sign for 2119 Orchard St. as approved by Sgt Williams and Chief Campbell.

Motion: Councilman Ballas; Second: Councilman Ingles;
Vote: Unanimous

16. Motion to approve the September 18th, 2019 minutes.

Motion: Councilman Stein; Second: Councilman Petruzzi;
Vote: Unanimous

17. Motion to pay bills for the period September 18, 2019 through October 15, 2019 summarized as follows:

Administration	\$ 16,141.70
Police:	\$ 51,433.87*
Fire:	\$ 7,433.03
Health & Sanitation:	\$ 22,296.93
Public Works:	\$ 31,731.43
Recreation:	\$ 3,019.12
Miscellaneous:	<u>\$ 365,033.35**</u>
TOTAL:	\$ 497,089.43

* \$ 29,895.00 new vehicle

** \$363,555.43 Police and Non-Uniform Pensions

Motion: Councilman Ballas; Second: Councilman Ingles;

Vote: Unanimous

18. Motion to approve Payroll for the period of September 5th and September 19th, 2019.

2019: September 5 th	\$ 129,700.77
2019: September 19 th	<u>\$ 128,577.59</u>
TOTAL:	\$ 258,278.36

Motion: Councilman Petruzzi; Second: Councilman Stein;

Vote: Unanimous

Maureen Fry asked how much is in the accounts after payment of bills. Manager Varhola advised \$2,363,498.82

Other/Additional Matter(s): None

IX. Adjournment:

Motion: Councilman Tichon; Second: Councilman Ballas;

Vote: Unanimous



Robert Falce – President of Council