

**Borough of Munhall
Regular Council Meeting
Minutes of Council
April 17, 2013**

The Regular Meeting of the Munhall Borough Council was held on April 17, 2013 in Council Chambers, Munhall Borough Building, 1900 West Street, Munhall, PA 15120. The meeting was convened at 7:00 PM, with Council President Joe Ballas presiding.

The Pledge of Allegiance was led under the direction of Mayor Bodnar.

After the pledge, Mr. Ballas asked for a moment of silence to remember two former Borough employees who had passed, Bob Olson and Robert Pisarcik. Mr. Ballas also announced that Councilwoman Ditillo had her baby, James Dean Metcalf. The Mayor also added a moment of silence for the tragedy that occurred in Boston.

The roll was called and the following members were present:

Joe Ballas, President
Robert Falce, Vice President
Richard Votedian, President Pro-tem
Harvey Inglis, Councilman
Dan Lloyd, Councilman
Bernie Shields, Councilman

Absent:

Dana Ditillo, Councilwoman

Also in attendance at the meeting were:

Raymond Bodnar, Mayor
Matt Galla, Borough Manager
Larry Billy, Public Works
Pat Campbell, Chief of Police
Glenn Coles, Deputy Fire Chief
Greg Evashavik, Solicitor
Lindsey Jewart, Engineer

Preliminary Announcements:

None.

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Speakers:

Scott Stevens thanked Council for letting him speak. He noted it was his first time speaking publicly. He stated that he had an issue with a public official but that he could not list their name publicly on the floor. He said he spoke with the District Attorney who said he could request an executive session with Council. He indicated he needed to talk to Council about a cyber issue. He noted that his complaint is about a volunteer official. The Solicitor intervened and noted it was not appropriate to have an executive session. He noted that Council could form a committee to meet with Mr. Stevens if they wished. It was agreed that Mr. Stevens and the Solicitor would meet privately at this time, out of Council Chambers.

Becky Olson spoke and said this was her first time at Council. She thanked Council for the moment of silence, noting that Bob Olson was her uncle. She said she received one of the letters from Legal Tax Service saying that her taxes were not paid for 2012 and that she would be liened. "I have paid all my taxes," she said. She said she has attempted to find out who is not doing their job. "Legal Tax said I had to send back proof of payment but why should I have to do that when I already paid my taxes," she asked. "Donna has not returned my calls," she noted, adding, "But she is spending time calling other people in the Borough, some of who are mutual friends of ours, to see why I am coming to this meeting. If 1,500 letters went out, I am here to find out what is going on and who is not doing their job."

Mr. Ballas said we are having an executive session to discuss this matter. Mr. Lloyd said, "I'll answer the question. I had four people come to my office. I addressed the Tax Collector at a prior meeting and was told that the people of Munhall are liars." "She did not say that," Mr. Ballas retorted. "1,207 letters were sent out. Of the 1,207 notices, 416 residents to date have proven that they paid their taxes. The face amount of those 416 people is \$249,060.44. Legal Tax would have had to bill over \$8,000 to bill those as delinquent and now those fees have had to be removed. In addition, Legal Tax has been presented with 20 checks that have not been cashed and are now not cashable. I think this is an issue and I don't know what those 20 checks represent," said Mr. Lloyd. "How many folks have receipts and we don't have the money in our bank," he asked. He continued by saying, "We don't know the number. In some cases we have it and in some we don't know the number. In addition, \$567.29 has been spent on extra postage, which Munhall has to pay and we have to spend it again to send correction letters. I asked that this topic be on the agenda and it was struck." "By me," said Mr. Ballas.

"Almost 10 percent of the people have a problem," said Mr. Lloyd. Becky Olson then asked, "Do you think the Tax Collector is doing her job? I tried to call Donna, I know her, but she will not return my phone calls. But, she is spending time calling someone else to see why I am coming to this meeting. If I don't do my job, I lose it. If she is not doing her job, we need to find someone else."

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Mr. Falce interjected, "I am not ready to point any fingers at the Tax Collector or Legal Tax Service." Mr. Ballas agreed it was rude that Donna did not return Ms. Olson's calls. He also noted he is not pointing any fingers, but will get to the bottom of the issue. Mr. Votedian noted that he believed apology letters were being sent out. Mr. Shields said that the Tax Collector should have sat down there in her office and answered the phone and dealt with this issue personally.

The Mayor said, "I want to add a couple of things. No matter whose error it was, though I can see pretty well what is going on, the main issue is cash flow. It's important. I'm upset because we have about \$200,000 in bills to pay. I want to see these taxpayers get their due when it comes to service. I sit here many days and I listen and I get a lot of calls and I am trying to make sure Munhall Borough is A-1 in everything we do. There are just too many calls. I tried to tell the Tax Collector about the problems and she got upset and thought I was attacking her. I was just tell her, 'Do your job.' From now on, let's start right. I don't want the Borough to have to borrow money." Mr. Lloyd said, "The problem is the money still isn't being deposited. We are paying \$81,000 in bills out of \$200,000 when there are envelopes down there in the tax office with money in them."

Karl Casey spoke and said he was in the final few months of his presidency of the Garden Club of Munhall. He said they want to give back to the Borough. The group would like to replant the War Memorial. They want to do a sustainable garden and line the memorial with junipers and roses. He noted they had a budget of between \$1,800 and \$2,000 and would also receive help from a landscape company. He said they want to remove the grass, replant, tackle weed prevention and they would ask that the fire department water it every so often. He also noted they would like to move the Blue Star Marker that was incorrectly placed at the library in the correct location at the memorial. The Mayor noted he fully supports them in their efforts.

Eric Singer thanked the Borough Manager for inviting him to speak. He noted that his group, Pyrotopia wanted to do their 2nd annual festival at West Field. He noted they had great assistance last year from the Fire Department, Police Department and EMS. "It was an excellent experience," he said. "We'd like to come back this year and do the event in town, as opposed to the periphery," said Mr. Singer. He noted that West Field is the ideal location. He noted that during the first part of the day, the activities would be geared toward children. He said they partner with the Children's Museum of Pittsburgh and the Carnegie Science Center. In the event, the event is geared toward adults and there are performers and artisans who use heat and fire in their work. He noted that they expected 1,000 people to attend last year and they had 4,000. There were no incidents and no injuries. He noted that everyone who is a part of Pyrotopia has decades of experience. He briefly talked about a small attendance fee to help defray costs and crowd control and also discussed transportation measures to bring folks to the event. He did note that safety is the primary concern and like last year, this will be a 100% safe event.

Larry Rettger said, "I'll make it quick. I did a right-to-know request for Pat's vehicle. I am just curious why it was purchased, what it is for... can you shed some light on it. Why does the Chief need his own truck,

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not even a Police car?" The Mayor responded by saying that the Chief used his last car for surveillance. He said this truck could be used for that too and said, "It can also be used on the scenes for what is going on. We need capability and maneuverability. I authorized it and it was money from Federal DEA forfeiture funds." Mr. Lloyd noted he believed it was ratified after it was purchased. Mr. Rettger asked how that could be done after the fact. Mr. Lloyd said that at the time it was purchased, we had a ruling or information from the Federal Government that said the money was in a separate account that could be used for items not budgeted. "The DOJ said it was the right of the Police Department to use it as they see fit. Moving forward, any purchases from the account will be run by Council." The Solicitor then noted that the purchase was legal and that was his ruling. "I just don't think a vehicle like that is needed," said Mr. Rettger. "It takes five minutes to get to any crime scene. That poor guy was attacked walking home. We need to spend the money on Crime Watch. People are afraid to go to Del's for fear of getting jumped. This is wrong to buy a car and have it approved later. Council is supposed to approve the purchase," he said. Mr. Rettger then asked why the former car was traded in and not put out for public bid. Many on Council responded saying it has rusted floor pans, high mileage and other issues. Mr. Rettger noted the SUV could have been given to Mr. Cannon. "You just traded it in. Why didn't it go out to bid? You never know what you might have got until you bid it. I sold cars." At this point, the timer beeped and Mr. Rettger was thanked for his comments. "You're gonna cut me off while you guys were talking? Election time is coming up," he noted.

The next several speakers, each of whom was given five minutes to speak and many spoke previously at last month's meeting, Angelo Quaranta, Jim Diebel, Joanne Chamberlain, Freeman Bartek and Rebecca Petit Hays Shelton all spoke again on the Hays Mansion. Much of the discussion was centered around work they have done thus far, such as refinishing of some floors, new windows on the second floor, significant landscaping and painting. They also noted they are working on becoming a 501(c)3 and want to acquire hillside property from USX. They noted that there is lots of volunteer labor working on the property and without the volunteer efforts; any dreams of rescinding the condemnation would just be a dream. Many statistics were presented about the number of visitors to their website, how many pages they viewed and how long each person spent on the website. They noted that they have "skin in the game" to the tune of \$16,000 and believe that there would be valuable sales tax revenue to the Borough if the property were to open as a bed and breakfast. They noted that once the landscaping has been further cleared, the views would be remarkable. The historical significance of the mansion was frequently discussed as well, making reference to the fact that the house stood for freedom and equality and is from pre-civil war America. They said it is historical not just to Munhall, but also to America. They noted that unless the condemnation order was lifted, it would be almost impossible to encourage folks to donate toward a house they think is condemned. Often, it was noted, that if folks think that the house is condemned they think it might be too far-gone to save and restore. The group also noted that a house not on a condemnation list also makes it easier to apply for grants. Mr. Diebel even pointed out that once the mansion is restored, it would enhance the value of the adjacent properties.

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Mr. Lloyd said he needed some clarification. He said Council spoke to many members of this group last week and last November. "I guess I am a little bit uncomfortable negotiating and having you ask us to rescind the condemnation, but we did and now I want to know if you have a signed sales agreement. I just want to know we are dealing with parties that have a legal interest in the property. We haven't seen your ownership rights." Mr. Ballas stated, "One of my biggest issues is that if we take it off the condemnation list we can lose our block grant money. Mr. Cannon noted that the demo alone could cost \$24,000, plus the money for filing paperwork and legal fees. We are looking at \$24,000 - \$26,000. Before I would consider it, and this is just me speaking, I would like to see the money in an escrow account in case the efforts fizzle out. I have heard 5 - 6 proposals over the years. I was up there Sunday and it is better. Some paint, some cleaning. We have a housing plan up there at a standstill because folks don't want to look out at a property that looks like that. I would like to see the money in escrow at the Borough so that if the efforts fail, we have the money to back and tear it down so we don't burden the taxpayers of the Borough. This is just my opinion."

Mr. Lloyd said, "The point is, we could lose money." He noted that Solicitor Nick Evashavik said it was prudent to protect the taxpayers by means of escrowing funds. Solicitor Greg Evashavik suggested the group might want to obtain a performance bond, though he was unsure if they would qualify to obtain one. He noted it may be far less expensive but would guarantee that if they group did not complete the project, it would protect the Borough.

Mr. Diebel said that if the Borough did not lift the condemnation, the project would be in peril. Mr. Shields asked him, "If we rescind it, what guarantee do we have that people will donate? If we lift it and then it flounders, what happens? What would you do to make it work?"

Erin Hammerstedt of Preservation Pittsburgh spoke next and noted that her group is a statewide non-profit organization that exists to provide technical assistance. She said they don't have skin in the game, but are here to help. She said she would work with the Hays Mansion group and look into performance bonds. She said perhaps they could act as the liaison and become bonded. She said, "I don't have a checkbook and can't write one of those big checks, but I am here to help at no cost as much as I can."

Mr. Lloyd said, "I don't think asking the group to put up 5% of the project cost is too much to ask, especially if it is valued at \$600,000. The bond is a good option."

Greg Baurnes spoke and said he is an attorney that represents Bryler Development. He told Council that a bird in the hand is worth two in the bush. He noted that the developer pays his taxes consistently and the Hays Mansion is adversely affecting his development. He said Steve Chupinka, the principal of Bryler Development, has been adversely affected by the condition of the mansion. He noted that back in 2009 they wrote the Council asking that something be done about the mansion. He noted that the problem with the current group is that 5 months ago, they were "going to do everything." They would have owned the mansion by now, they would have had the business plan in place, and they would have the

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maintenance done. This is all a dream for them. "This much money, the amount it takes to bring in and maintain something like this is difficult," said Mr. Baurnes, continuing, "Also, if they develop it and acquire the USX property, that land will also be off the tax roles if they become a 501(c)3. So will the mansion. If nothing happens, they can walk away and say they are sorry, but that does not help the Borough or Steve. There are a lot of maybes here." "If you build it, will they come? Will anyone come?" he asked. He finished by saying, "You have to pay a substantial amount to maintain a property like this. It's a dream in the real world that may not be true. But for Steve, it is a continuing nightmare and he suffers."

At this point, Mr. Jim Diebel attempted to get up and counter-point Mr. Baurnes. He was making statements like, "I believe Mr. Baurnes is the note holder for Mr. Chupinka. I believe he has a conflict of interest. He sold the mansion to Dr. Draper."

Mr. Baurnes retorted, "You have many facts wrong. We could go back and forth but I won't."

A resident named Brian Davis spoke up and said, "Those Hays Mansion folks have had their opportunity to speak. I have a family and I need to get home. Can we continue with Borough business?"

Mr. Ballas said, "We are not having an argument," and gaveled the discussion to restore order.

Petitions / Public Comments on Agenda Items:

None.

Approval of Minutes:

Mr. Falce moved, seconded by Mr. Inglis to move the March 20, 2013 minutes. Motion carried unanimously.

Reports from Borough Officials:

Mayor: Said he had many small things, but would be brief. He noted that in response to the many questions he has received about the strip club, they were closed and then permitted by court order to open. He said discussions continue between the Borough and their attorney, but that he was not at liberty to discuss them in a public forum. He also noted that May 15th would be student government days with the elected 3rd graders running the Council meeting. He noted that he and Officer Boehme had already been to the school to speak. He noted that he was proud to have originated this program back in 1987. He reminded Council about the 40th Annual COG dinner and acknowledged the thank you received for donating to the 5th grade picnic. He noted that the street and cross walk near the Met House Towers

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was in poor condition and asked that it be repaired. The Mayor then presented the Banner Community award to Rob Falce on behalf of Munhall Council.

Solicitor: Nothing to report.

Engineer: Distributed a paving form soliciting Council's feedback on the streets they believe are most in need of paving. She said it is critical that we advertise at the May meeting for the paving work in order to award the project, complete it and pay it before the end of paving season.

Director of Public Works: Nothing to report.

Police Chief: The Chief submitted a written report. He also noted that this would be the last meeting attended by Stacy Lee, reporter for the Daily News. He wished her good luck. Mr. Lloyd said he wanted to commend the Police Department on catching the 4 guys who jumped the person walking home from the Subway. He noted we have a great Police Department and referenced the fact that they caught the shooter near Club Pink within 20 minutes. The Mayor said he is also proud of the Drug Task Force. The Police Department received a round of applause from the audience.

Fire Chief: Submitted a written report and said there are 12 firefighters at an advanced course right now for training that would be completed by the end of April. He noted they did have a fire on Margaret Street but were able to keep it contained.

Code Enforcement Officer: Submitted a written report.

Sewer Authority: Absent.

Items for Consideration:

Mr. Lloyd moved, seconded by Mr. Inglis to ratify the payment of bills for the period from March 20, 2013 through April 16, 2013 in the amount of \$81,011.44 and approve the payroll in the amount of \$234,620.29 for the same period per the following breakdown:

Administration/Council/Mayor/Bldgs	\$ 11,062.94
Police/Code/Dispatch/Sch Grds	\$146,060.04
Sanitation	\$ 8,003.94
Public Works	\$ 52,820.40
Social Security/Medicare	\$ 16,672.97

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Mr. Lloyd commented that the normal amount of bills we would usually pay is over \$200,000 but we don't have any money to pay them because there have been no deposits from the tax collector's office and it is a travesty.

Motion carried unanimously.

Mr. Inglis moved, seconded by Ms. Falce to rescind the rental fee for West Field, on the recommendation of the Recreation Committee, in an effort to better serve our residents, students and organizations. All other requirements such as scheduling and certificate of insurance requirements remain in effect. Mr. Inglis commented that this was discussed with the whole Recreation Committee. Many will benefit from this change and it amounts to less than \$4,000. Motion carried unanimously.

Ms. Falce moved, seconded by Mr. Shields to adopt Resolution 2013-2, a resolution establishing procedures for compliance with the procurement for professional service contracts pursuant to the provisions of Act 44 of 2009. Motion carried unanimously.

Mr. Shields moved, seconded by Mr. Falce to approve a payment to Steel Valley COG in the amount of \$18,052.82 representing 2013 annual dues and one-quarter of one percent of the difference in sales tax revenue collected by Munhall Borough between 2011 and 2012. Motion carried unanimously.

Mr. Votedian moved, seconded by Mr. Lloyd to adopt Resolution 2013-3, approving the installation of handicapped parking signs at 19-K Longfellow Drive, 405 E 11th Ave, 611 E 13th Ave and 645 E 9th Avenue. Mr. Votedian commented that the Borough needs to look into a better way to distribute and keep track of the handicapped parking signs. He said a lot of them are unused and many may no longer be eligible to have one.

Mr. Lloyd	YES	Mr. Inglis	NO
Mr. Falce	YES	Mr. Sheilds	YES
Mr. Votedian	YES	Mr. Ballas	YES

Five YES, one NO, motion carried.

Mr. Lloyd moved, seconded by Mr. Inglis to authorize the Borough Manager to advertise for sale, and accept sealed bids on the 2004 Ford Explorer (VIN... 90004). Motion carried unanimously.

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Other Items:

Mr. Falce noted that the usual monthly bills are a little lower than typical. "I expect that they will be a lot larger next month," he said. He also noted that the tax bills just went out last week, and that he had not paid his taxes yet. He noted he has until May to pay during the discount period.

The Mayor commented, "That's true Rob, but cash flow is imperative and cash flow that is held up is holding up interest." Mr. Ballas said, "No one is arguing that, Mayor." Mr. Falce continued, "We are not in dire straits." Mr. Lloyd said, "There are 200 envelopes down there with money in them. I took pictures of them with my cell phone."

Mr. Shields noted it is springtime and the roads are terrible. West Run Road is bad and Mooney Road is almost impassible he said. He noted that half of the roadway is ours and half belongs to the City of Pittsburgh. Larry Billy noted that the water company planned to pave Tioga and Mooney.

Mr. Shields moved, seconded by Mr. Lloyd to adjourn. Motion carried unanimously. Meeting adjourned at 8:58 PM.