

**BOROUGH OF WHITE OAK**  
**Minutes of a Council Meeting**  
**December 28, 2017, 7:00 PM**

**CALL TO ORDER:** Vice President Joseph Nagy called the meeting to order at 7:01 PM.

**PLEDGE OF ALLEGIANCE:** Joseph Nagy

**ROLL CALL:** Joseph Nagy requested the roll call. In attendance was:

**Elected Officials:**

Mayor Ina Marton  
Joseph Nagy, Vice President  
Edward Babyak  
Richard Bryce  
Charles Davis  
Kenneth Robb

**Borough Staff and Professional Services:**

Krishna DiMascio, Borough Solicitor  
Michelle Gessner, Assistant Secretary  
John Palyo, Borough Manager

**Participating by Phone:**

David Pasternak, President Pro-Tem

**MINUTES:** Charles Davis made a motion to accept the minutes of the November 20, 2017 Workshop and Council Meetings. Edward Babyak seconded the motion. The motion was unanimously approved.

**EXECUTIVE SESSION:** Krisha DiMascio announced that prior to the meeting an Executive Session was held to discuss items related to personnel and pending litigation. She also announced that Council held Executive Sessions on November 20, 2017 and on December 6, 2017 for the purposes of personnel and pending litigation.

**PUBLIC COMMENTS:** None

**PRESIDENT'S REPORT:** Joseph Nagy

Joseph Nagy announced that in observance for the Christmas Holiday the Municipal Office was closed on Monday, December 25<sup>th</sup> and Tuesday, December 26<sup>th</sup>. We will also be closed Monday, January 1, 2018 for New Year's Day

Joseph Nagy asked for a Motion to approve the retirement incentive benefits paid to outgoing Police Chief Louis Bender in an amount of \$ 19,626.60, as stated in the Memorandum of Understanding dated December 15, 2017. Richard Bryce made the motion and Edward Babyak seconded the motion.

Kenneth Robb made a motion to table the previous motion, seconded by David Pasternak.

David Pasternak commented that to accrue time you have to work in 2018.

Richard Bryce commented that this will represent a savings of \$ 4,000 in health benefits and we would be responsible to pay the accrued time anyway.

Vice President Joseph Nagy requested a roll call vote.

Roll Call Vote:

Yes Votes: David Pasternak, Kenneth Robb

No Votes: Richard Bryce, Joseph Nagy, Edward Babyak, Charles Davis

The motion did not pass with two (2) yes votes and four (4) no votes.

Vice President Joseph Nagy requested a roll call vote on the initial motion.

Kenneth Robb asked the Solicitor if she has an opinion on this matter. Krisha DiMascio stated that she provided all of Council with an advisory opinion.

Roll Call Vote:

Yes Votes: Richard Bryce, Joseph Nagy, Edward Babyak, Charles Davis

No Votes: David Pasternak, Kenneth Robb

The motion passed with four (4) yes votes and two (2) no votes.

**MAYOR'S REPORT:** Mayor Marton provided the Police Activity Report for November 2017.

Arrests: 10 (10 adults / 0 juvenile)	
Assault & Related Offenses	1
Criminal Mischief	1
Disorderly conduct	1
Drug offenses (Violation of Act 35)	4
DUI	1
Harassment	1
Public Drunkenness	1
Summary traffic offenses	52
<b>Total incidents</b>	<b>724</b>

**COUNCIL COMMITTEE REPORTS:**

**FINANCE:** Charles Davis presented the finance report.

Charles Davis made a motion to accept the Treasurer's report for November 2017 as read. Richard Bryce seconded the motion. The motion was unanimously approved.

Charles Davis made a motion approving the Check Register for the month of November Checks 202487-202601 totaling \$163,982.43. Richard Bryce seconded the motion. The motion was approved. David Pasternak abstained due to a reimbursement check being included within that check register.

David Pasternak made a motion authorizing the following Interfund Transfers – November. Edward Babyak seconded the motion. The motion was unanimously approved.

From	To	Amount
Capital Projects	General Fund	21,249.98
Liquid Fuels	General Fund	8,938.02
Solid Waste	General Fund	48,493.74
Fire Fund (WO#1)	General Fund	3,426.00
Fire Fund (Rainbow)	General Fund	3,456.00
Post Retirement	General Fund	0.00
Escrow	General Fund	0.00
Total Transfers		85,563.74

**HEALTH, ENVIRONMENT AND CABLE:** Joseph Nagy presented his report.

Joseph Nagy made the following announcements:

- There will be a one day delay in the garbage collection starting with Monday, December 25<sup>th</sup>, due to the Christmas holiday. Collections will take place Tuesday thru Saturday.
- There will be a one day delay in the garbage and recycling collection starting with Monday, January 1<sup>st</sup>, due to the New Year’s holiday. Collections will take place Tuesday thru Saturday. Beginning this week will be our new hauler for both garbage and recycling. Big’s Sanitation is the new contractor within the Borough.

**PARKS AND RECREATION:** No report

**PERSONNEL:** No report

**PLANNING AND ZONING:** Charles Davis presented the planning and zoning report.

The monthly permit/violation report is available for review during normal business hours.

**PUBLIC SAFETY REPORT:** No report.

**PUBLIC WORKS:** No report.

Richard Bryce announced that the Monthly activity report for the public works department is available for review during normal business hours.

**Tax Collectors’ Reports:** Joseph Nagy read the reports.

Edward Babyak made a motion to accept the Tax Collectors’ Reports and pay the commissions and fees due. David Pasternak seconded the motion. The motion was unanimously approved.

**Engineer's Report:**

David Pasternak made a motion to accept the Engineer's Report and pay the fees due to Gateway Engineers, Inc. for services rendered through December 15, 2017, as submitted on four Invoices numbered 251027 thru 251030, totaling \$1,708.00. Kenneth Robb seconded the motion. The motion was unanimously approved.

**Solicitor's Report:**

Edward Babyak made a motion to accept the Solicitor's Report and pay the fees due to Dodaro, Matta & Cambest for services rendered in November as submitted on Invoice Number 15588, dated December 11, 2017, totaling \$ 2,476.00. Kenneth Robb seconded the motion. The motion was unanimously approved.

**Animal Control:** Presented by Joseph Nagy

Edward Babyak made a Motion authorizing payment to Dave Collura Wildlife Control, in the amount of \$490.00 for services in the month of November 2017. David Pasternak seconded the motion. The motion was unanimously approved.

Joseph Nagy announced that no report or invoice was submitted by Gaydos Brehanna Kennels for Animal Control Services.

**RESOLUTIONS AND ORDINANCES:** Krisha DiMascio presented the following Resolutions

Edward Babyak made a motion to adopt Resolution #R2017-26 Appropriating specific sums estimated to be required for specific purposes of the municipal government set forth during the year 2018. Richard Bryce seconded the motion. Krisha DiMascio announced that the 2018 budget may be re-opened due to this being a reorganization year. Vice President Joseph Nagy requested a roll call vote.

Roll Call Vote:

Yes Votes: Richard Bryce, David Pasternak, Joseph Nagy, Edward Babyak, Charles Davis, Kenneth Robb

No Votes: None

The motion passed with six (6) yes votes and zero (0) no votes.

Ed Babyak made a motion to adopt Ordinance #O2017-27 fixing the tax rate for the year 2018 in the amount of 6.66 mills. Richard Bryce seconded the motion. Vice President Joseph Nagy requested a roll call vote.

Roll Call Vote:

Yes Votes: Richard Bryce, David Pasternak, Joseph Nagy, Edward Babyak, Charles Davis, Kenneth Robb

No Votes: None

The motion passed with six (6) yes votes and zero (0) no votes.

Edward Babyak made a motion to adopt Resolution #R2017-28 to make refund of certain real property taxes to certain property owners as hereinafter listed by reason of official change order, gentrification, issued by the Allegheny County Board of Assessments, appeals and review as well as abatements or overpayments. Charles Davis seconded the motion. The motion was unanimously approved.

**Personnel:**

Richard Bryce made a motion to suspend employee #2017-01 with pay pending an investigation. Charles Davis seconded the motion. Vice President Joseph Nagy requested a roll call vote.

Roll Call Vote:

Yes Votes: Richard Bryce, David Pasternak, Joseph Nagy, Charles Davis, Kenneth Robb

No Votes: Edward Babyak

The motion passed with five (5) yes votes and one (1) no vote.

**NEW BUSINESS:**

Joseph Nagy opened Nominations for the open Council seat due to the resignation of Ron Massung as accepted by Council at the public session of the December 6<sup>th</sup>, 2017 Council Workshop meeting.

Kenneth Robb asked why a bipartisan committee was not formed to locate a new Council member.

Joseph Nagy it was not required.

Kenneth Robb asked why you didn't follow past practice.

Mayor Ina Marton commented that it was not required.

Kenneth Robb stated that the appointment should be open to the public.

Richard Bryce made a motion to appoint Louis Bender to the vacant Council seat once held by Ron Massung. Edward Babyak seconded the motion.

Kenneth Robb made a motion to table the motion, seconded by David Pasternak.

Vice President Joseph Nagy requested a roll call vote.

Roll Call Vote:

Yes Votes: David Pasternak, Kenneth Robb

No Votes: Richard Bryce, Joseph Nagy, Edward Babyak, Charles Davis

The motion did not pass with two (2) yes votes and four (4) no votes.

David Pasternak made a motion to appoint Steve Pholar to the vacant Council seat. Kenneth Robb seconded the motion.

Krishna DiMascio stated rather than a yes / no vote, state the name of the person you wish to appoint to the vacant seat.

Vice President Joseph Nagy requested a roll call vote.

Roll Call Vote:

Louis Bender Votes: Richard Bryce, Joseph Nagy, Edward Babyak, Charles Davis

Steve Pholar Votes: David Pasternak, Kenneth Robb

The motion passed with four (4) votes for Louis Bender and two (2) votes for Steve Pholar.

Louis Bender was appointed the vacant Council seat to finish the term of Ron Massung.

Note: Louis Bender received his Oath of Office on December 29, 2017 by the Honorable Thomas Miller, District Court Judge.

**ANNOUNCEMENTS:**

- January 2, 2018, 7:00 PM – Council Reorganization Meeting (Open to the Public)
- January 3, 2018, 6:45 PM – Council Workshop Meeting (Open to the Public)
- January 15, 2018, 6:45 PM – Council Workshop Meeting (Open to the Public)
  - 8:00 PM – Council Meeting (Open to the Public)

**COMMUNICATIONS:** None

**OLD BUSINESS:** None

**ADJOURNMENT:**

Richard Bryce made a motion to adjourn the meeting at 7:48 PM, seconded by David Pasternak. The motion was unanimously approved.

Respectfully submitted,

1/21/2019

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John Palyo  
Borough Manager, Secretary & Treasurer

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Date Approved by Council