

**MINUTES OF THE REGULAR MEETING
OF WHITE OAK BOROUGH COUNCIL
HELD MONDAY, NOVEMBER 21, 2011 AT 8:00 P.M.**

CALL TO ORDER

Mr. Pasternak, President of Council, called the Regular Meeting to order at 8:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

ROLL CALL

Attending were Council members: Edward Babyak, Charles Davis, George Dillinger, Ronald Massung, David Pasternak, Kenneth Robb and Carrie Verbanick. Also attending were Mayor Ina Marton, Solicitor Terry Leckman, Engineer Representative Donald Hultberg, Borough Manager John W. Petro, Jr. and Borough Secretary Nancy Greenland.

MINUTES

Mr. Pasternak asked if there were any additions or corrections to the following Minutes:

Workshop Meeting - October 12, 2011
Workshop Meeting - October 17, 2011
Public Hearing - October 17, 2011
Regular Meeting - October 17, 2011

There were none.

A motion was made by Mr. Babyak, seconded by Mr. Massung, to accept the Minutes as presented.

Motion carried unanimously.

EXECUTIVE SESSION

Mr. Leckman stated there were various sessions held and during such sessions pending/potential litigation and personnel matters were discussed.

PUBLIC COMMENTS

Carolyn Leitzel – 2155 Lewis Street

Ms. Leitzel again expressed her frustration with governing bodies regarding the non-assessment of a new home constructed at 1203 Clark Street. She noted that the image of the structure on the County's website indicates that assessors were out to view the property around July 2010. But, as of this date there is no assessment on the structure and the school district is losing approximately \$5,000 in real estate taxes. She stated she approached the Borough about imposing an interim assessment. The information provided to her from Mr. Petro indicates the building permit was issued after the construction started, the Borough does not intend to enact an interim assessment ordinance as it does provide for tax abatement on new home construction, which would be counter-productive and that the Borough felt the issues was closed on its end.

Mr. Leckman noted that issuance of a building permit does not trigger an assessment. He stated it was his understanding that once an occupancy permit is issued that would trigger an assessment. The Borough's building permit department just went through a routine audit without any findings being issued. He further noted that normally once a new structure/remodeling of property is assessed the tax increase does not go into effect until the following year.

Ms. Leitzel noted the foundation, brick and two double porches were all constructed in 2009. The owner moved in prior to July 2010. She again alluded that the school district was losing approximately \$5,000 in real estate tax.

Mr. Leckman advised Ms. Leitzel that the Borough did/could not represent the school district in this matter.

Ms. Leitzel stated this is not an isolated case in the County. There was a house in Greentree that was occupied for seven (7) and was not assessed.

Mr. Dillinger asked Ms. Leitzel who she felt the problem was with. He noted he felt the issued was with Allegheny County.

Mr. Massung asked Ms. Leitzel if she had approached the school district about this matter.

Ms. Leitzel stated she did attend a meeting and addressed the matter with the Board and was advised to come back to White Oak regarding the problem.

Mr. Pasternak stated he believed the problem could only be addressed through the County and the school district and that she would need to go back to those two (2) entities.

Mr. Robb stated that if she was not satisfied with the results from the school district and county she could hire an attorney to try and make the taxing bodies do what they are required to do.

Richard Bryce – Messinger Lane

Mr. Bryce stated when the Borough would start receiving taxes on the property.

Mr. Robb noted that normally when an assessed is increased/added it takes effect in the next calendar year. So if an assessment is added/increased in 2011 it would be taxed in 2012.

Mr. Leckman noted the Borough's abatement cannot be applied until an assessment is placed on the improvements.

REPORTS OF CHAIRPERSONS OF STANDING COMMITTEES

President's Report

Mr. Pasternak noted the Municipal Offices would be closed on Thursday and Friday, November 24th and 25th in observance of the Thanksgiving Holiday.

Mr. Pasternak noted Twin Rivers COG would be electing new officers at the December 13 dinner meeting. Nominees are President – Kenneth Hresko, Port Vue; Vice President Monica Glowinski, Elizabeth Borough; Secretary Michael Cherepko, City of McKeesport; and Treasurer Tammy Firda, Lincoln Borough. He noted COG appointed the following engineer, solicitor, and auditor they are as follows: Senate Engineering, Falco Muscante and Case Sabitini respectively.

Mayor's Report

Mrs. Marton gave the October Report:

Arrests:	15 (11 adults, 4 juvenile)
Assault	1
Burglary	6* (4 individuals also charged with Criminal Mischief, Criminal Trespass, Theft and Receiving Stolen Property)
Disorderly Conduct	5
Drug Offenses	1
DUI	1
Theft	1
Summary Traffic Violations	73
Total Incidents	671

Ms. Marton noted the 8th Annual Fido Ball was held on November 19. The event was very successful as it was a sellout. She noted year's ball will be held in September. She thanked the following officials for their support, Carrie Verbanick, Ronald Massung, Edward Babyak, and Donald Hultberg.

Finance

Mr. Dillinger, Chairperson, indicated he had one motions to present for consideration.

A motion was made by Mr. Dillinger, seconded by Mr. Babyak, to accept the Check Register and Accounts Payable as of October 31, 2011

Bills-

<u>Fund</u>	<u>Check No.</u>	<u>Amount</u>
General Fund	104327- 104403	\$ 207,614.45
Fire Protection	30014	\$ 2,417.00
	31016	\$ 2,584.00
Post Retirement	0-0	\$ 0.00
Super Fund	0-0	\$ 0.00
Solid Waste	600245-600246	\$ 50,537.50
Pool/Park Fund	900566-900571	\$ 6,876.61
Capital Expenditures	0-0	\$ 0.00
Capital Debt Sinking	0-0	\$ 2,584.00
Liquid Fuels	350170-350172	\$ 8,903.40
Total Bills Paid		\$ 278,932.96

Accounts Payable

<u>Fund</u>	<u>Amount</u>
General Fund	\$ 24,864.37
Fire Protection	\$ 0.00
Post Retirement Fund	\$ 0.00
Super Fund	\$ 0.00
Solid Waste	\$ 0.00
Pool Fund	\$ 2,659.91
Capital Projects	\$ 0.00
Capital Debt	\$ 0.00
Liquid Fuels	\$ 264.50
Total Accounts Payable	\$ 27,788.78

Motion carried unanimously.

Mr. Dillinger indicated the Borough will be considering the adoption of the 2012 Budget at the December 19th Regular Meeting. The Budget will be available for review during normal business hours starting December 1st. The Tax Levy for 2012 is projected to remain the same as the 2011 levy, which is 5.66 mills.

HEALTH, ENVIRONMENT AND CABLE

Ms. Verbanick, Chairperson, noted there would be a one day delay in the garbage collection this coming week starting with Thursday, this is due to the Thanksgiving Holiday. Thursday's

route will be picked up on Friday and Friday's route will be picked up on Saturday. There will be no leaf composting collection for Thursday or Friday of this week

A motion was made by Ms. Verbanick, seconded by Mr. Robb, authorizing the proper officials to satisfy municipal liens filed against:

1312 Ohio Avenue, 461-H-62
331 Dome Street, 460-L-367
2600 Henderson Road, 551-E-338
1628 Vermont Avenue, 550-P-8
1313 Clearview Drive, 461-H-263

The accounts are up to date.

Motion carried unanimously.

Ms. Verbanick noted there would be a one (1) day delay in the garbage collection on Thursday and Friday of this week due to the Thanksgiving Holiday.

Ms. Verbanick noted there would be no leaf composting pickup on Thursday and Friday of this week.

Ms. Verbanick wished everyone a "Happy Thanksgiving".

PARKS AND RECREATION

Mr. Robb, Chairperson, announced the Recreation Board is holding the annual "Evening With Santa" on Sunday, December 4th. The event starts at 6:00 p.m. and will be held at the White Oak Athletic Association.

Mr. Robb noted the Recreation Board is also sponsoring a holiday craft show on Saturday the 2rd. The event will be held at the WOAA from 10 a.m. until 4 p.m.

PLANNING, ZONING AND CODE ENFORCEMENT

Mr. Babyak, Chairperson, noted there were 18 permits issues, for a total of \$2,575.00 in fees for the month of October. There were also 10 violation notices issued.

Mr. Babyak announced that the Code Officer would be policing the Steve Mike section of the Borough for any code violations.

PUBLIC SAFETY

Mr. Massung, Chairperson, indicated he had a motion to present.

A motion was made by Mr. Massung, seconded by Mr. Dillinger, authorizing the proper officials to enter into an agreement with the Commonwealth of Pennsylvania, Department of Transportation for traffic signal maintenance. The agreement is being entered into with regards to the Lincoln Way Improvement Project.

Motion carried unanimously.

Mr. Massung announced the police department is using the speed board, speed strips and enrad to excessive speeding.

PUBLIC WORKS

Mr. Davis, Chairperson, noted the Work Activity Report would be available for viewing during normal business hours.

A motion was made by Mr. Davis, seconded by Mr. Robb, authorizing payment in the amount of \$64,459.55 to Morgan Excavating L.P., under Contract 9775-11-01. This represents payment for work already performed under Request No. 4 (Final) for the 2011 Road Rehab Project.

Motion carried unanimously.

TAX COLLECTOR'S REPORT

Current Real Estate

Robert Hart, Current Tax Collector, turned in \$21,575.33 on the 2011 Tax Duplicate, for the period of October 1, 2011 – October 31, 2011.

Commission due – \$176.25 (47 accounts @ \$3.75)

Assessed Value	\$337,235,488.00
Exonerations (Less)	\$ 696,730.00
Additions	\$ 691,600.00
Abatement Values	\$ 837,800.00
Adjusted Value	\$336,392,558.00
Value of statements (actual)	\$ 1,883,798.32
Act 77 Revoked @ Face	\$ 379.34
Act 77 Eligible @ Face	<u>\$ 57,146.71</u>
Corrected Value of Statements	\$ 1,827,030.95
Collected from – 9/01/11 –9/30/11	\$ 21,575.33
Discount (add)	\$ 0.00
Less Penalty (sub)	<u>\$ 1,961.95</u>
Total Credited to Duplicate	\$ 19,613.95
Amount Previously Collected	\$ 1,712,354.46
Collections	\$ 19,613.95
Total Collected	<u>\$ 1,731,968.41</u>
Balance to be collected	\$ 95,062.54

Delinquent/Liened Real Estate

Keystone Collections Group, Delinquent/liened Real Estate Tax Collector, turned in \$4,071.64 in taxes and costs collected for the collection period of September 26, 2011 – October 25, 2011.

Commission due	- \$	18.40
Costs	- \$	274.50 (Lien Satisfactions, Civil Complaints)
Total Due	- \$	292.90

Earned Income Tax Collector

Keystone Collections Group, Current Earned Income Tax Collector, turned in \$26,427.91 (current year minus costs/refunds/non-resident distributions) and \$3,626.64 (prior year costs/minus refunds/non-resident distributions) in current Earned Income Tax for the collection period of October 1, 2011 – October 31, 2011.

Commission due	- \$	404.79
Costs	- \$	1.25 (Postage for refunds, Wage Card Reprints)
Total Due	- \$	406.00

Keystone Collections Group, Delinquent Earned Income Tax Collector, turned \$1,261.33 (audited) in delinquent Earned Income Tax, including costs for the collection period of September 26, 2011 – October 25, 2011.

Commission due	- \$	0.00
Costs	- \$	0.00
Total Due	- \$	0.00

Mercantile/Business Privilege and Emergency Municipal Service Tax Collector

Keystone Collections Group, Current Act 511 Tax Collector, turned in \$610.50 in Local Service Tax for the collection period of October 1, 2011 – October 31, 2011.

Commission due	- \$	9.18
Costs	- \$	0.00
Total Due	- \$	9.18

Keystone Collections Group \$41,206.30 in Business Privilege and \$0.00 in Mercantile Tax collections plus costs for the collection period August 26, 2011 – September 25, 2011.

Commission due	- \$	1,249.91
Costs	- \$	0.00
Total Due	- \$	1,249.91

Keystone Collections Group, Delinquent Act 511 Tax Collector, turned in \$0.00 in delinquent Local Service Tax, \$3,023.24 in delinquent Business Privilege Tax, \$0.00 in delinquent Mercantile Tax for the collection period of September 26, 2011 – October 25, 2011.

Commission due	- \$	132.42
Costs	- \$	0.00
Total Due	- \$	132.42

A motion was made by Mr. Dillinger, seconded by Mr. Babyak, to accept the Tax Collectors' Reports and pay the fees due.

Motion carried unanimously.

ENGINEER'S REPORT

Mr. Hultberg, Engineer Representative, indicated he attended the November 16th and 21st Workshop Sessions. The EADS Group has been working on the items outlined at those meetings.

A motion was made by Ms. Verbanick, seconded by Mr. Davis, to accept the Engineer's Report and pay Invoice 44964, dated October 31, 2011, in the amount of \$1,936.38 regarding the 2011 Road Program; Invoice 44965, in the amount of \$507.45 regarding Planning Issues; and Invoice 44966, in the amount of \$4,504.36 regarding the 2011 Road Program

Total Due \$6,948.19

Motion carried unanimously.

SOLICITOR'S REPORT

Mr. Leckman stated he provided the bulk of his report to Council at the Workshop meetings and he would present several ordinance(s) and resolution(s) for consideration.

A motion was made by Mr. Robb, seconded by Mr. Dillinger, to accept the Solicitor's Report and pay Invoices No. WOB 285, in the amount of \$13,896.75, dated November 21, 2011 and WOB 286, totaling \$2,522.50, dated November 21, 2011.

Motion carried unanimously.

Mr. Leckman noted a Special Meeting would be held on Monday, November 28 at 8:00 p.m. to consider adoption of an ordinance that would impose a 1% earned income tax on non-residents.

ANIMAL CONTROL OFFICERS' REPORTS

Ms. Verbanick read the Animal Control and Wildlife Officer's Reports for the month of October 2011.

Ferree Kennels – Animal Control Officer
Report for the month of October 2011

Number of Animals Humanely Disposed Of	0
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Number of Animals Turned Over to WOASH	0
Number of Dogs Returned to Owners	1
Number of Calls Answered from Residents	

& Municipal Offices	5
Number of Person Information Signed Against	0
Number of Citations Issued	0
Number of Claims to State for Housing	0
Monthly Fee	\$ 50.00
After Hours Calls 0	\$ 0.00
Total Charges for October 2011	\$ 50.00

A motion was made by Ms. Verbanick, seconded by Mr. Babyak, to accept the report and pay the fee due Ferree Kennels for services rendered in October.

Motion carried unanimously.

Dave Collura – Wildlife Control
Report for the month of October 2011

	Live Trap	Road Kill	Disposal After Hours Calls
Deer	0	7	7
Bats	0	0	
Birds/Fowl/Turkey	0	0	
Chipmunk	0	0	
Degas	0	0	
Groundhogs	6	1	
Rabbits	3	1	
Raccoons	32	16	
Opossums	4	3	
Skunks	19	1	
Squirrels	8	4	
Snakes	0	0	
Turtles	0	0	
Total Due	\$350.00	\$140.00	\$ 140.00
Grand Total:	\$630.00		

A motion was made by Ms. Verbanick, seconded by Mr. Robb, to accept the Animal Control Officer's Report for the month of October.

Motion carried unanimously.

RESOLUTIONS AND ORDINANCES

Mr. Leckman read Ordinance No. 3622 by short title.

O-3622 AIRPORT DISTRICT OVERLAY RESTRICTIONS

A motion was made by Mr. Massung, seconded by Mr. Babyak to accept Ordinance No. 3622 as just read by Mr. Leckman.

Motion carried unanimously.

Mr. Pasternak declared Ordinance No. 3622 adopted.

Mr. Leckman read Resolution No. 3625 by short title for adoption.

R-3625 REAL ESTATE TAX REFUND

A motion was made by Mr. Babyak, seconded by Mr. Davis, to adopt Resolution No. 3625 as read by Mr. Leckman.

Motion carried unanimously.

Mr. Pasternak declared Resolution No. 3625 officially adopted.

Mr. Leckman read Resolution No. 3626 by short title for adoption.

R-3626 RECORDS DISPOSITION

A motion was made by Mr. Robb, seconded by Mr. Babyak, to adopt Resolution No. 3626 as read by Mr. Leckman.

Motion carried unanimously.

Mr. Pasternak declared Resolution No. 3626 officially adopted.

NEW BUSINESS

Mr. Davis indicated he attended the annual Season of Lights Festival on Saturday and wished to thank the member of the Rainbow V.F.C. and Michelle Gessner for their efforts in the putting on the event. He noted Rainbow would be selling Christmas Trees, as a fund raiser, within the next week or so.

OLD BUSINESS

NONE

ADJOURNMENT

A motion was made by Mr. Massung, seconded by Ms. Verbanick, to adjourn.

Motion carried unanimously.

Meeting adjourned at 8:40 p.m.

Date Approved

Borough Secretary