

**MINUTES OF THE REGULAR MEETING
OF WHITE OAK BOROUGH COUNCIL
HELD MONDAY, APRIL 15, 2013 AT 7:30 P.M.**

CALL TO ORDER

Mr. Pasternak, President of Council, called the Regular Meeting to order at 7:30 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, Carrie Noll, David Pasternak and Kenneth Robb. Also attending were Mayor Ina Marton, Solicitor Patricia McGrail, Engineer Representative Donald Hultberg and Borough Secretary Nancy Greenland.

MINUTES

Mr. Pasternak asked if there were any additions or corrections to the following minutes submitted for approval.

Workshop Meeting	February 13, 2013
Workshop Meeting	February 18, 2013
Regular Meeting	February 18, 2013

There were none.

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

Motion carried unanimously.

EXECUTIVE SESSION

Ms. McGrail stated an Executive Sessions were held last Wednesday and this evening at which time personnel matters as well as potential/pending litigation were discussed.

PUBLIC COMMENTS

Joseph Irmer – 1503 Kansas

Mr. Irmer indicated he has a paper alley, which is borough property, behind his home and that there is a dead tree that he feels could be dangerous to his home and grandchildren. He noted the roots of the tree are pulling up out of the ground.

Ms. McGrail stated that if this is a dedicated right of way the Borough might be responsible for removal of the tree.

Ms. Greenland indicated that in the past the Borough has never performed any type of maintenance on paper streets or removed any vegetation/trees within that area.

Mr. Pasternak asked Mr. Irmer to leave his phone number and the Borough would look into the matter.

Todd Thielet – 2602 Myers Lane

Mr. Thielet expressed concern about the condition of the house at 1601 Summitt Street. He noted the foundation at the front of the house has shifted. There are 2 x 6 holding up the front porch roof.

Mr. Pasternak noted Mr. Washowich did cite the owner and a hearing was held at district court. The district justice ruled in favor of the owner stating the property was taken over by the lending institution. Mr. Washowich then proceeded to contact the bank, but has not had any response.

Mayor Marton stated there were legal issues the Borough needed to resolve.

Mr. Massung also noted there were legal issues the Borough needed to resolve to try to do something.

Ms. McGrail noted the Borough could proceed with a condemnation hear which would require a full title search.

Mr. Thielet also noted there is a house near him that the water in the pool is green. He asked if something could be done with this.

Fred Haynes – 98 Carmella Drive

Mr. Haynes stated that two (2) months ago the borough terminated the services of the solicitor. He wanted to know how the Borough could state it is saving money when he still gets \$5,700 a month in salary.

Mr. Dillinger noted the solicitor was not terminated. The borough eliminated the position of the Borough Manager. He advised even though the Borough is paying compensation under a severance package the Borough will still save money this year and in the future.

Mr. Haynes asked why \$200,000 was removed from the CD (proceeds sale of the sanitary sewer system) to assist with covering a portion of the local share of a \$500,000 grant that the Manager secured for the Borough. He noted the CD was being held by the Borough and was not to be used.

Mr. Dillinger indicated it was determined that the Borough's ordinance was invalid as a borough is not permitted to place a referendum and that Ms. Gessner actually wrote the grant.

Mr. Haynes suggested the funds from the CD (sale of sanitary sewer system) be used to reduce the residents' taxes. He stated the Borough should be able to lower the millage rate by 10 mills.

Mr. Dillinger noted the millage rate was adjusted for the new assessments from 5.66 to a total 4.66. This includes a small increase as there were still 184 appeals the County had not made a decision on. Setting the rate at 4.5 would have brought in the same level of funding that the borough generated in 2012.

Mr. Haynes asked why members of the WOAA Board don't assist with doing any work at the site. He noted that when he was a member all of the board members assisted with the upkeep of the facility.

Mr. Robb stated that was true, but times have changed. Parents don't seem to have any spare time.

Tony Villinger – 2212 Hemlock Drive

Mr. Villinger noted his daughter has been selected as a participant in the People to People program. He noted she will be an ambassador and tour several foreign countries, noting the cost to participate is approx. \$7,500. He stated he was conducting several funds raisers and was inviting the elected officials to a dinner in May. He asked if the flyers could be posted on the bulletin board in the alcoves of the building.

There were no objections to posting the flyer.

Tom Brindock – 1630 Kansas

Mr. Brindock expressed concern that while trying to gather information for his tax appeal he was unable to secure information from the Borough. Noting it is difficult to get to the Municipal Building when he works. He felt that the Borough's website was lacking and asked why the minutes of the workshop meetings were not posted.

Mr. Dillinger noted that the minutes from the workshop reflect nothing different that what is discussed at the regular meeting.

Ms. McGrail noted the Borough does not take minutes during Executive Sessions. During Executive Sessions personnel matters as well as pending/potential litigation are discussed and these topics are not considered as open to the public.

Mr. Pasternak noted that it is expensive to place all items on the website. Information that is pertinent is placed on the site.

Ms. Greenland noted Mr. Brindock was requesting documents that do not exist in the borough files and based on the current Open Records regulations the borough is not required to create documents.

Mr. Robb suggested when he makes his requests to be specific.

Ms. Noll stated that if a document doesn't exist then maybe a verbal answer can be provided.

PRESIDENT'S REPORT AND COG REPRESENTATIVE

Mr. Pasternak, President, had nothing to report at this time.

MAYOR'S REPORT

Mayor Marton gave the March 2013 Stat Report for the Police Department.

Arrests: 11 (7 adult/4 juvenile)

Assault	1
Disorderly Conduct	5
(one defendant also charged with Public drunkenness)	
DUI	3
(one defendant also charged with Violation of Controlled Substance/Drug/Device Act)	
Harassment	1
Intimidation of Witness or Victim	1
(defendant also charged with Terroristic threats)	1
Summary Traffic Violations	54
TOTAL INCIDENTS:	553

Mayor Marton noted this was National MS month and read a proclamation.

FINANCE REPORT

Mr. Dillinger, Chairperson, stated he had the standard monthly motion for approval of bills paid and accounts payable.

A motion was made by Mr. Dillinger, seconded by Mr. Robb, to accept the Check Register and Accounts Payable as of March 31, 2013.

Paid Invoices:

<u>Fund</u>	<u>Check No.</u>	<u>Amount</u>
General Fund	105721-105787	\$ 53,611.44
Fire Protection	0-0	\$ 0.00
Post Retirement	0-0	\$ 0.00
Super Fund	0-0	\$ 0.00
Solid Waste	600327-600330	\$ 46,347.01
Pool/Park Fund	900778-900782	\$ 5,433.74
Capital Expenditures	180021	\$ 3,400.35
Capital Debt Sinking	0-0	\$ 0.00
Liquid Fuels	350223-350226	\$ 0.00
Total Bills Paid		\$ 105,392.19

Accounts Payable

<u>Fund</u>	<u>Amount</u>
General Fund	\$ 47,602.10
Fire Protection	\$ 0.00
Post Retirement Fund	\$ 0.00
Super Fund	\$ 0.00
Solid Waste	\$ 0.00
Pool Fund	\$ 713.77
Capital Projects	\$ 8,598.00
Capital Debt	\$ 0.00
Liquid Fuels	\$ 26,963.91
Total Accounts Payable	\$ 83,877.78

Motion carried unanimously.

HEALTH, ENVIRONMENT AND CABLE

Ms. Noll, Chairperson, announced there would be a Computer/Electronics Collection Day. This is being held in conjunction with Goodwill and is set for Saturday, April 20, 2013 from 10 am until 2 pm. Items can be dropped off in the municipal building parking lot during those hours. Goodwill is accepting computers, monitors, printers, fax machines, cell phones, digital cameras including chargers/adaptors as well as microwaves, televisions, stereo systems, VCR and any other hard to recycle electronic.

A motion was made by Ms. Noll, seconded by Mr. Davis, authorizing the proper personnel to satisfy the following Municipal Liens.

Smith	461-E-201	2302 O'Neil Blvd.	GD11-329
Cottone	551-E-102	2023 Cypress Drive	GD11-712
Carr	461-K-115	1207 ½ Monongahela	GD11-20748
Polowsky	461-S-109	1606 Fawcett	GD11-142
Polowsky	461-S-109	1606 Fawcett	GD11-21898

The account have been paid in full.

Motion carried unanimously.

Ms. Noll advised another hard-to-recycle collection is being held Saturday, April 20, 2013 at the Galleria at Pittsburgh Mills, from 9 am to 1 pm. Electronic items as well as ink and toner cartridges, CFL bulbs and small appliances will be collected free of charges. There will be small fees charged for the following items: batteries \$1.50/lb, fluorescent tubes \$0.25/ft small Freon-containing appliances \$10.00 and paper shredding will be available for \$5.00 per box.

Ms. Noll indicated the annual Rabies Clinic is set for Saturday, May 18 from 12 noon till 2 p. The event is Free for White Oak Residents (must provide proof of residency) a \$10.00 per pet for non-White Oak residents. Additional inoculations available at a fee of \$15.00 per inoculation (DHLPP, Bordetella – DOGS: FVRCP & FELV – CATS). Proceeds benefit White Oak Animal Safe Haven.

Ms. Noll noted the DEA (Drug Enforcement Agency) is sponsoring its annual National Take Back Drug Initiative Collection which will be held on Saturday, April 27. Nearest sites to White Oak are North Versailles PD and North Huntingdon PD. Hours are 10 am to 2 pm.

PARKS AND RECREATION

Mr. Robb, Chairperson, indicated 2013 pool passes are now on sale. The fee is \$45.00 per person.

PLANNING, ZONING AND CODE ENFORCEMENT

Mr. Babyak, Chairperson, noted there were 26 building/occupancy/road opening/transient retail/solicitation permits issued, for a total of \$5,021.00. There were also four (4) violation notices.

PUBLIC SAFETY

Mr. Massung, Chairperson, advised the Civil Service Commission has been meeting to review current rules and regulations for possible amendment. Proposed changes have been turned over to the Solicitor for review and recommendation. He noted the solicitor would be meeting with the Civil Service to discuss some minor modifications.

Mr. Massung noted that if anyone has concerns about speed to please contact the Borough so the speed monitor board can be placed in that area.

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. Dillinger, to extend the employment agreement for the Manager of the Public Works Department through May 31, 2013.

Motion carried unanimously.

TAX COLLECTOR'S REPORT

Current Real Estate

Robert Hart, Current Tax Collector, turned in \$0.00 on the 2012 Tax Duplicate, for the period of March 1, 2013 – March 31, 2013.

Commission due – \$0.00 (0 accounts @ \$3.75)

Assessed Value	\$337,188,268.00
Exonerations (Less)	\$ 2,893,200.00
Additions	\$ 2,475,400.00
Abatement Values	\$ 465,250.00
Adjusted Value	\$336,305,218.00
Value of statements (actual)	\$ 1,903,487.50
Act 77 Revoked @ Face	\$ 455.58
Act 77 Eligible @ Face	\$ 56,563.10
Corrected Value of Statements	\$ 1,847,379.98
Collected from – 3/01/13 – 3/31/13	\$ 0.00
Discount (add)	\$ 0.00
Less Penalty (sub)	\$ 0.00
Total Credited to Duplicate	\$ 0.00
Amount Previously Collected	\$ 1,768,133.27
Collections	\$ 0.00
Total Collected	\$ 1,768,133.27
Balance to be collected	\$ 79,246.73

Delinquent/Liened Real Estate

Keystone Collections Group, Delinquent/Liened Real Estate Tax Collector, turned in \$0.00 in taxes and costs collected for the collection period of February 26, 2013 – March 25, 2012.

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

Earned Income Tax Collector

Keystone Collections Group, Current/Delinquent Earned Income Tax Collector, turned in \$75,703.63 (current/delinquent year minus costs/refunds/non-resident distributions) in current and prior year Earned Income Tax for the collection period of February 26, 2013 – March 25, 2013.

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

Mercantile/Business Privilege and Local Service Tax Collector

Keystone Collections Group, Current Act 511 Tax Collector, turned in \$0.00 in Local Service Tax for the collection period of February 26, 2013 – March 25, 2013.

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

Keystone Collections Group, Current Business Privilege and Mercantile Tax Collector, turned in \$0.00, in Business Privilege and \$0.00 in Mercantile Tax collections plus costs for the collection period **February 26, 2013 – March 25, 2013**

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

Keystone Collections Group, Delinquent Act 511 Tax Collector, turned in \$0.00 in delinquent Local Service Tax, \$0.00 in delinquent Business Privilege Tax, \$0.00 in delinquent Mercantile Tax for the collection period of February 26, 2013 – March 25, 2013.

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

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 last Wednesday's and this evening's Work Sessions and the firm is working on those items outlined at those sessions.

A motion was made by Ms. Noll, seconded by Mr. Robb, to accept Engineer's Report as presented.

Motion carried unanimously.

SOLICITOR'S REPORT

Ms. McGrail, Solicitor, indicated several Executive Sessions were held at which time personnel matters and potential/pending litigation were discussed.

A motion was made by Mr. Robb, seconded by Ms. Noll, to accept the Solicitor's Report and pay invoices for services rendered in March, totaling \$980.00

Motion carried unanimously.

ANIMAL CONTROL OFFICERS' REPORTS

Ms. Noll noted Animal Control and Wildlife Officer's Reports did not submit reports for the month of March 2013.

RESOLUTIONS AND ORDINANCES

NONE

NEW BUSINESS

A motion was made by Mr. Davis, seconded by Mr. Robb, authorizing the Borough to join forces with North Versailles Twp., North Versailles Twp. Authority and any other municipality that will be affected by the "host fee" and/or cooperation agreement imposed by the City of McKeesport on the Municipal Authority of the City of McKeesport. This joint effort would start with a forensic audit of the MACM as well as a potential challenge to the legality of the \$1,000,000 annual fee and to share in the costs associated with the audit and possible legal challenge.

Ms. McGrail indicated she represents several other municipalities that were also joining in this effort.

Motion carried unanimously.

OLD BUSINESS

NONE

ADJOURNMENT

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

Motion carried unanimously.

Meeting adjourned at 8:17 p.m.

Date Approved

Borough Secretary