

**BOROUGH OF WHITE OAK**  
**Minutes of April 20, 2020, 8:00 PM**  
**Council Meeting**

**(Draft Meeting Minutes – Not final until Council reviews and adopts)**

**CALL TO ORDER:** Council President Charles Davis called the meeting to order at 8:03 PM.

**PLEDGE OF ALLEGIANCE:** Charles Davis

**ROLL CALL:** Charles Davis requested the roll call. In attendance was:

**Elected Officials:**

\*Mayor Ina Marton  
Charles Davis, President  
Edward Babyak  
Louis Bender  
\*George Dillinger  
Julie Opferman  
\*George Pambacas  
\*Kenneth Robb

**Borough Staff and Professional Services:**

\*Patricia McGrail, Borough Solicitor  
\*Kenneth Hillman, Borough Engineer  
John Palyo, Borough Manager  
MaryAnn Winemiller, Admin. Asst.

**Note that this meeting was conducted utilizing the Zoom Video Conferencing platform due to the COVID-19 Pandemic Restrictions. Council President Chuck Davis, Council Vice President Lou Bender, Council Member Julie Opferman and Council Member Ed Babyak were present in the Borough building utilizing social distancing requirements. All members were individually connected under the Zoom platform. The participant with marked with a \* participated remotely.**

**MINUTES:** George Dillinger made a motion to accept the minutes of the April 1, 2020 Special Council meeting. Kenneth Robb seconded the motion. The motion was unanimously approved.

**EXECUTIVE SESSION:** Patricia McGrail announced prior to the Council meeting on April 20, 2020, Council had an Executive Session to discuss personnel and pending legal matters.

**PUBLIC COMMENTS:** \*Please Note due to the COVID-19 Pandemic Restrictions the following questions were submitted by e-mail prior to the start of the April 20, 2020 Meeting as advertised.

Jennifer Wos, White Oak Swim Team Board

Asked if the White Oak Pool will open this summer?

John Palyo, Borough Manager discussed two issues affecting the opening of the pool. COVID-19 restrictions and the new Pool Pump Project, therefore, we cannot give a clear and definitive answer to the Pool opening at this time. However, we will be preparing as if the pool will be opening at some point this season.

John Graham – 505 McCully Street

Had a question regarding the changing of an address on a home built behind his home, Allegheny County allowed the home behind his to have an address change and now he would like the borough to do the same so there will be no confusion in an emergency situation. John Palyo, Borough Manager stated that the Borough was well aware of the problem and have been working with the appropriate agencies to make the necessary change.

**PRESIDENT'S REPORT:** Charles Davis  
No Report

**MAYOR'S REPORT:** Mayor Ina Marton provided the Police Activity Report for February 2020.

Arrests: (13 adults / 0 juvenile)	13
Access Device Fraud	1
Accidents Involving Death / Injury (Hit and Run)	1
Assault	1
Disorderly Conduct	2
Drug Offenses (Violation of Title 35)	2
DUI	1
Public Drunkenness	2
Theft	3
Summary of Traffic Violations	45
Total Incidents	655

The Police Activity Report for March 2020 was provided to Council.

Arrests: (12 adults / 0 juvenile)	12
Assault	2
Disorderly Conduct	4
DUI	1
Terroristic Threats	1
Theft	4
Summary of Traffic Violations	20
Total Incidents	582

**COUNCIL COMMITTEE REPORTS:**

**FINANCE:** George Dillinger presented the finance report.

George Dillinger made a motion to accept the Treasurer's Report for March 2020. Louis Bender seconded the motion. The motion was unanimously approved.

George Dillinger made a motion to accept the Treasurer's Report for February 2020. Edward Babyak seconded the motion. The motion was unanimously approved.

George Dillinger made a Motion approving the Check Register for the month of March, which includes Electronic Fund Transfers and General Fund Checks in the following ranges (205540 to 205644) totaling \$346,086.19. Edward Babyak seconded the motion. The motion was unanimously approved.

George Dillinger made a Motion authorizing the following Interfund Transfers for the month of March. Louis Bender seconded the motion. The motion was unanimously approved.

From	To	Amount
Liquid Fuels	General Fund	13,660.59
Solid Waste	General Fund	39,736.55
Capital Projects	General Fund	517.50
Post Retirement	General Fund	791.37
<b>Total Transfers</b>		<b>\$54,706.01</b>

**HEALTH, ENVIRONMENT AND CABLE:** George Pambacas presented the health, environment and cable report.

George Pambacas made a motion to authorize payment to Dave Collura, for Wildlife Control Services, in the amount of \$600.00 for the month of March 2020. George Dillinger seconded the motion. The motion was unanimously approved.

George Pambacas made a motion to authorize payment to Gaydos Behanna Kennel, for Animal Control Services for the following invoices:

Service Time	Invoice Number	Invoice Date	Invoice Amount
1 <sup>st</sup> Quarter 2020	#WO-01	3/31/2020	\$ 461.78

Edward Babyak seconded the motion. The motion was unanimously approved

George Pambacas made a motion to satisfy the following liens as paid in full. Edward Babyak seconded the motion. The motion was unanimously approved

Lot & Block	Lien Number
<b>551-C-276</b>	<b>GD-10-23961</b>
	<b>GD-19-002266</b>
<b>650-M-223</b>	<b>GD-16-002698</b>
	<b>GD-19-002241</b>
<b>461-K-284</b>	<b>GD-19-003632</b>

**PARKS AND RECREATION:** Julie Opferman

White Oak Recreation activities have been cancelled due to the COVID-19 pandemic. We will be monitoring reopening guidelines for possible restoration of our events.

Julie Opferman expressed her appreciation to the Rainbow Volunteer Fire Company and the White Oak Recreation Board especially Ethel for making everyone's Easter a bit brighter. It's been a frustrating time and I know my children really enjoyed the seeing the Easter Bunny driving around.

**PLANNING AND ZONING:** Edward Babyak

The monthly permit/violation reports for February and March are available for review during normal business hours.

**PUBLIC SAFETY REPORT:** Louis Bender

Louis Bender wanted to thank all First Responders, medical workers and our Office of Emergency Management for their hard work during the COVID-19 pandemic. Our OEM provides us with daily status reports and one of our Deputy Coordinators, Chief of White Oak EMS, Paul Falavolito is in attendance and we thank you.

Louis Bender made a motion to reinstate employee that held the employee number of #2601041 with no back pay and contingent upon a last chance agreement created by the Borough Solicitor. Edward Babyak seconded the motion.

President Charles Davis stated that there was a motion and a second are there any comments?

George Pambacas: If I was in the shoes of several members of Council and if they had the same ethical and moral obligations that I have, I would not vote on this.

Charles Davis: Anyone else?

George Dillinger: I have a question for the Solicitor. The fact that this badge number is no longer an employee. Could it be proper to state the name or even the name of the department that we're bringing back this employee back too. I shouldn't even say employee, a former employee. Would it be proper to identify the person or identify at least the department that this person is coming back too, since this person is no longer an employee of the Borough?

Patricia McGrail: It would be appropriate to reference that former employee number, whether or not that has, I'm assuming that number has not been reassigned. So, if you make the motion and reference it as to reinstate a former employee that held the employee number, whatever that number was, that would be appropriate as well. Because this person is no longer an employee, it doesn't violate any law to state his name.

George Dillinger: Exactly. That is where I was going. I'm not saying not that I wanted to state his name, but I think it is appropriate in the comments section to state what department this person is going back too. And so if I may say that and not be in any violation of, which it doesn't appear that I would be, I would like that motion to be...That I would like to mention that former badge number or that what Mr. Bender read off will be coming back to the Police Department.

Charles Davis: Anyone else?

Kenneth Robb: I have some comments to make on this. I'm not going to mention any names, but this is the officer who allegedly attacked his wife. An appeal was taken and we have an opinion from Judge James that firing this employee was proper and warranted under the circumstances. The case is currently under appeal by the officer to the Commonwealth Court and that is pending. I think it is premature to even think about bringing him back to work and I'm against ever bringing him back to work. We just can't have police officer's beating up their wife's.

Patricia McGrail: Let me just say this. I think those were Councilman Robb's comments and I think we want to use the word allegations. There are allegations that this occurred. This officer has not been convicted of that charge.

Kenneth Robb: I disagree with you Pat. The allegations were presented to Judge James and he found them credible, whether or not criminal charges were filed against him or not. Judge James ruled that based upon the evidence presented to him by the officer's lawyer the dismissal that we have against him was proper and warranted under the circumstances.

Patricia McGrail: With all due respect. The issue of criminal charges was not before Judge James. What was before Judge James was whether or not the Civil Service Commission acted appropriately because there were not criminal charges that were pursued, criminal charges were not in before Judge James.

Kenneth Robb: First of all, criminal charges were pursued and withdrawn. My problem with this motion, is if this would occur while he is on duty the liability for the Borough acknowledging that he has done this would present a terrible case for liability. Even if he didn't do anything wrong it's a public record and could be used against him at any time and circumstance and these criminals out here aren't looking for honesty, they're looking for a way out. We are asking for a law suit if we bring this officer back and I...that's my comments.

Louis Bender: I would like to add that in the United States of America you are innocent until proven guilty. George there were charges filed against this officer, this former officer, and charges were dropped at the local magistrate's level. We had a Civil Service hearing for this officer after this officer was terminated and our Civil Service Commission came up with a decision. That decision was appealed by White Oak Borough to the Court of Common Pleas at which time...I'm sorry. That decision by the White Oak Civil Service Commission was appealed by the Borough of White Oak to the Court of Common Pleas. As of now, White Oak Borough has spent almost \$ 20,000 fighting this case and it could conceivably go on to a next step for an officer that was not convicted of anything.

Kenneth Robb: Lou is it your opinion that he has to be convicted for abusing his wife before she dropped the charges?

Louis Bender: That's not an opinion for me to make.

Kenneth Robb: You're making all kind of opinions on this. You knew about it way before it happened. You knew about his propensities and you did nothing. As chief you did nothing and now you want to bring him back to work after to told me personally that you would have fired him for previous incidents.

Patricia McGrail: I'm going to ask Council to be mindful that this remains a personnel matter and a matter in litigation so I appreciate the fact that everyone wants to state their case but I want to keep to the facts that are of record.

Charles Davis stated that we have a Motion and a second with comments on the floor.

George Pambacas asked that the motion be restated.

Louis Bender made a motion to reinstate a former employee that previously had employee number of #2601041 with no back pay and contingent upon a last chance agreement created by the Borough Solicitor. Edward Babyak seconded the motion.

President Charles Davis asked for a Roll Call Vote.

Roll Call Vote:

Yes Votes: Julie Opferman, Charles Davis, Edward Babyak, Louis Bender

No Votes: George Pambacas, George Dillinger, Ken Robb

The motion passed with four (4) yes votes and three (3) no votes.

Kenneth Robb made a comment during the Roll Call vote: I'm going to vote no and if anything happens as a result of the vote to bring him back and we get sued, I'm going to offer as additional defendants to anyone against the people who voted to bring him back. This is ridiculous. So, I vote no.

Louis Bender concluded his report.

**PUBLIC WORKS:** Kenneth Robb

The monthly reports for February and March are available for review during normal business hours.

Kenneth Robb made a motion to exercise the First Option Year with Cargill, Inc. for Rock Salt for the July 1, 2020 to June 30, 2021 contract year and authorize the Borough Manager to notify Cargill on behalf of the Borough of White Oak. Lois Bender seconded the motion. The motion was unanimously approved

Kenneth Robb made a motion to approve the purchase of a fourth (4<sup>th</sup>) Public Works Truck for the Public Works Department at a cost of \$ 175,005.38. George Pambacas seconded the motion. The motion was approved at a five yes votes and two no votes. Councilman George Dillinger and Councilwoman Julie Opferman both voted No to the motion.

**PERSONNEL:** Charles Davis

No Report

**TAX COLLECTORS' REPORTS:** Charles Davis

George Dillinger made a Motion to accept the Tax Collectors' Reports and pay the commissions and fees due. Julie Opferman seconded the motion. The motion was unanimously approved.

**Current Real Estate** – Real Estate Tax Collector (Lisa Pitchford) collected \$0.00 current Real Estate Tax for the collection period of March, 2020.

Commission Due	\$ .00
Costs	\$ .00
Total Due	\$0.00

**Delinquent/Liened Real Estate**

Keystone Collections Group, Delinquent/Liened Real Estate Tax Collector(s) collected \$22,827.79 plus costs in delinquent Real Estate Tax for the collection period of March 1, 2020 – March 31, 2020.

Commission Due	\$62.88
Costs	\$518.64
Total Due	\$581.52

**Earned Income Tax**

Keystone Collections Group, Current/Delinquent Earned Income Tax Collector(s) collected \$10,680.16 in current and delinquent Earned Income Tax for the collection period of March, 2020.

Commission Due	\$1,392.93
Costs (refunds/postage and/or costs)	\$28.00
TCC Annual Fee	\$0.00
Total Due	\$1,420.93

Berkheimer Associates, Current/Delinquent Earned Income Tax Collector(s) collected \$-5.12 in current and delinquent Earned Income Tax for the collection period of March, 2020.

Commission Due	\$0.00
Costs (refunds/postage and/or costs)	\$0.00
Total Due	\$ 0.00

**Mercantile/Business Privilege and Local Service Tax**

Keystone Collections Group, Current Act 511 Tax Collector, collected \$57.00 in current Local Service Tax for the collection period of March, 2020.

Commission Due	\$1.05
Refund	\$0.00
Costs (postage and/or costs)	\$0.00
Total Due	\$1.05

Keystone Collections Group, current Business Privilege and Mercantile Tax Collector, collected \$10,991.08 in Business Privilege and \$70.64 in Mercantile Tax collections for the March 2020 collection period.

Commission Due	\$331.87
Costs	\$0.00
Total Due	\$331.87

Keystone Collections Group, delinquent Business Privilege and Mercantile Tax Collector, collected \$ 41.00 in delinquent Business Privilege Tax and \$10.00 in delinquent Mercantile Tax for the collection period of March 1, 2020 – March 31, 2020.

Commission Due	\$3.06
Costs	\$.00
Total Due	\$3.06

**ENGINEER'S REPORT:** Mr. Ken Hillman

George Dillinger made a motion to accept the Engineer's Report and pay the fees due to Senate Engineering Company for Invoices 57040 through 57049, dated March 25, 2020, totaling \$17,054.20. Louis Bender seconded the motion. The motion was unanimously approved.

Julie Opferman made a motion to approve Change Order #1 in an amount of \$ 6,050.00 to Tresco Paving Corporation for installation of a waterproofing membrane to be installed on both Borough owned bridges located on Rankin Road and Oakview Avenue as a part of the 2020 Borough Street Paving Program and authorize the Borough Manager to sign all documents related to the Change Order. George Dillinger seconded the motion. The motion was unanimously approved.

Kenneth Robb made a motion to authorize the local share of \$ 52,870.00 as a 15% match for the PA Watershed Restoration Protection Program Grant through the Commonwealth Financing Authority and authorize the President to provide proof of authorization as a part of the application process. Edward Babyak seconded the motion. The motion was unanimously approved.

Julie Opferman made a motion to authorize the Engineer to prepare and apply for a Permit for the Streambank Stabilization project. Kenneth Robb seconded the motion. The motion was unanimously approved.

**SOLICITOR'S REPORT:** Patricia McGrail presented the Report in Executive Session

George Pambacas made a motion to accept the Solicitor's Report and pay the fees due to McGrail & Associates, LLC for Invoices # 35890, 35892, 35895 through 35901, dated March 10, 2020, totaling \$1,938.00 and Invoices # 35987 through 35995, dated April 14, 2020, totaling \$2,304.50 for a grand total of \$4,242.50. (These are invoices for the months of February and March). Julie Opferman seconded the motion. The motion was unanimously approved.



**RESOLUTIONS AND ORDINANCES:** Patricia McGrail

**Resolution #2020-12**

Louis Bender made a motion to approve Resolution of Council of the Borough of White Oak appointing a representative and alternates to represent the Borough of White Oak for our Uniformed and Non-Uniformed Pension Plans with Principal Financial Group. Edward Babyak seconded the motion. The motion was unanimously approved

**Resolution #2020-14**

Kenneth Robb made a motion to approve Resolution of Council of the Borough of White Oak authorizing the filing of a \$ 352,470 grant request under the PA Watershed Restoration Protection Program Grant through the Commonwealth Financing Authority for the White Oak Borough Property Streambank Stabilization Project. George Dillinger seconded the motion. The motion was unanimously approved.

**NEW BUSINESS:** None

**OLD BUSINESS:** Kenneth Robb requested that the minutes be provided as soon as possible for this meeting for comments.

**ANNOUNCEMENTS:** Meetings are subject to change due to COVID-19 Pandemic Restrictions

- May 11, 2020, 6:45 PM – Council Workshop Meeting (Open to the Public)
- May 18, 2020, 6:45 PM – Council Workshop Meeting (Open to the Public)
  - 8:00 PM – Council Meeting (Open to the Public)

**ADJOURNMENT:** George Dillinger made a motion to adjourn the meeting at 8:41 PM. Julie Opferman seconded the motion. The motion was unanimously approved.

Respectfully submitted,

*John Palyo*

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John Palyo  
Borough Manager, Secretary & Treasurer

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Date Approved by Council