

**MINUTES OF THE REGULAR MEETING
OF WHITE OAK BOROUGH COUNCIL
HELD MONDAY, JANUARY 21, 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, David Pasternak, Carrie Noll and Kenneth Robb. Also attending were Mayor Ina Marton, Solicitor Patricia McGrail, Engineer Representative Donald Hultberg, Borough Manager John W. Petro, Jr. and Borough Secretary Nancy Greenland.

Mr. Pasternak asked for a moment of silence to pay respects to Terry Leckman, Borough Solicitor, who passed away at the end of the year.

Mr. Pasternak asked for a motion to change the order of business for several issues.

A motion as made by Mr. Dillinger, seconded by Mr. Babyak, to change the order of business.

Motion carried unanimously.

A motion was mad by Mr. Babyak, seconded by Mr. Massung, to appoint Patricia L. McGrail, as Interim Solicitor, for the Borough of White Oak and authorizing the proper officials to sign said Engagement Letter.

Motion carried unanimously.

A motion was made by Mr. Babyak, seconded by Mr. Dillinger, to accept the resignation of Louis G. Bender from the position of Lieutenant within the police department.

Motion carried unanimously.

A motion was made by Mr. Babyak, seconded by Mr. Davis, to appoint Louis G. Bender, as Chief of Police, to the White Oak Borough police department, effective immediately.

Motion carried unanimously.

A motion was made by Mr. Babyak, seconded by Mr. Massung, authorizing the proper officials to enter into and sign a Salary/Benefit Agreement with Louis G. Bender, with regards to the position of Chief of Police.

Motion carried unanimously.

Mayor Marton administered the Oath of Office to Louis Bender.

Ms. Marton noted last month Chief Hoffman retired. She stated Chief Bender is now filling the shoes of Chief Hoffman, which we didn't think we could do. She commented she felt Chief Bender would do a fine job. He will be given all the support he needs for this endeavor.

Chief Bender thanked Council for giving him the opportunity to serve the Borough as Chief. He noted it was a tough decision between two very good candidates. He again thanked Council for the honor and privilege of being able to serve as the chief of police. He also thanked his family and friends for all the support they have given him over the years. He thanked Chief Hoffman who helped train him for the position and also training him in martial arts. He expressed his appreciation for the support that is giving by the fire departments and EMS and his fellow officers. He stated he know the sacrifices the individuals make on a daily basis. He noted he was aware of all the dedication and pride the officers have for the department and that he was very honored to be able to lead the officers over the next few years. He stated he wants the department to continue to provide the high standards that have already been set and to be aggressive on crime and protect residents, businesses, visitors and especially the children. He noted the department will continue to be proactive.

MINUTES

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

Workshop Meeting	December 12, 2012
Workshop Meeting	December 19, 2012
Regular Meeting	December 19, 2012

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 Session was held this evening between 7:00 p.m. and 7:30 p.m. at which time legal issues were discuss.

PUBLIC COMMENTS

Glenda Roberts – Lot 67, 3301 Jacks Run Road “Biros Trailer Court”

Ms. Roberts presented Council with a petition regarding the collection of garbage, within the trailer court, not being provided since the end of December. She indicated she was advised by Mr. Petro that the landlord was to provide this service and asked if he had been cited as yet.

Ms. McGrail indicated Mr. Biros had filed a complaint with the Court of Common Pleas for an Injunctive Relief. The court did not grant the relief, but we have been advised of the owners' intention to amend the complaint. She noted the Borough does have a legal ordinance. Notice was given to the owner that service would no longer be provided as of the end of 2012 and that the owner would be responsible for providing said service.

Peggy Pokrant – Lot 51, 3301 Jacks Run Road “Biros Trailer Court”

Ms. Pokrant indicated the residents of the trailer court were being discriminated again, noting they pay real estate taxes and are now being excluded from the collection.

Mr. Petro noted any residential site that has more than 2 units is considered a commercial operation. This doesn't just affect the trailer court. The ordinance was adopted in mid 2011, but no action was taken on the change until 2013. Appropriate property owners were notified in 2012 about the change.

Mr. Pasternak stated this site is technically considered a commercial operation.

Ms. Pokrant then asked why the recycling truck had gone through the court last week.

Mr. Petro indicated he would contact the contractor to make sure it was aware it should not be Picking up recycling in the court.

Frank Lovin – Lot 19, 3301 Jacks Run Road “Biros Trailer Court”

Mr. Lovin commented that the residents in the trailer court are being treated like they don't belong to White Oak.

Ms. McGrail advised that residents of the trailer court still belong to White Oak. They would just be paying a fee to an outside hauler for garbage collection.

Carolyn Leitzel – 2155 Lewis Street

Ms. Leitzel noted that since Mr. Ferree was hired as dog catcher it has been noted he brings dogs to the White Oak Animal Safe Haven for placement. She further noted that euthanasia is defined as a good death and wanted to know what Ms. Marton was doing to make sure Ferree was complying with legislation passed in 2012 that bans the use of carbon monoxide.

Ms. Marton noted the Mr. Ferree has a contact with the Borough not the shelter. He has been working with the shelter on placing adoptable dogs. Since the contract took effect he has turned 48 dogs over for adoption. She advised that it would be the responsibility of the state to monitor the methods of euthanizing animals as Mr. Ferree is licensed by the state.

Ms. Leitzel stated that if Ms. Marton cared about animals she would do something.

Stan Napierkowski – Lot 28A, 3301 Jacks Run Road, “Biros Trailer Court”

Mr. Napierkowski indicated he understood payment for garbage collection would be made to Mr. Biros. He asked if that payment would be more than what the Borough pays.

Mr. Pasternak stated the property owner would negotiate with a hauler to determine what the rate would be.

Ms. McGrail commented that this was a conversation the residents of the trailer court should have with Mr. Biros. The Borough cannot get involved with the property owner.

Glenda Roberts – Lot 67, 3301 Jacks Run Road “Biros Trailer Court”

Ms. Roberts asked if the Borough would get after the property owner if he doesn't follow through and can the Board of Health be contacted.

Mr. Petro advised contact has already been made with the Allegheny County Health Department.

Reida Linqvist – Lot 107, 3301 Jacks Run Road “Biros Trailer Court”

Ms. Linqvist asked who excluded the trailer court from the contract.

Mr. Pasternak noted the ordinance was adopted by Council.

Bob Johnston – Lot 6, 3301 Jacks Run Road “Biros Trailer Court”

Mr. Johnson noted in the past he paid for services at a site on Lincoln Way.

Mr. Pasternak stated that would have been the Borough's billing company, Keystone Collections Group.

Mr. Pasternak called for a 10 minute Executive Session.

Council recessed at 7:50 p.m. for a short Executive Session.

Council reconvened the Public Meeting at 8:02 p.m.

Ms. McGrail advised Council discussed the issue of garbage collection at the Biros Trailer Court. She noted that the Code Enforcement Officer will be instructed to cite Mr. Biros for non-compliance and that every day that the garbage is not picked up will be considered a violation.

She noted officials have been in-touch with Mr. Biros' attorney to try to resolve the matter.

PRESIDENT'S REPORT AND COG REPRESENTATIVE

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

MAYOR'S REPORT

Mayor Marton gave the December 2012 Stat Report for the Police Department.

Arrests: 8 (8 adult/0 juvenile)

Assault	2
Driving Under Suspension (Habitual Offender)	1
Drug Offenses	5*

(*One defendant also charged with Driving Under Influence of Alcohol or drugs)

Summary Traffic Violations 64

TOTAL INCIDENTS: 665

Ms. Marton noted she was in receipt of a thank you note from Pack 40 thanking the members of White Oak #1 and Rainbow V.F.C. for the great job they did in a fire prevention demonstration.

Ms. Marton noted that State Representative Marc Gergely's father past away.

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 December 31, 2012.

Paid Invoices:

<u>Fund</u>	<u>Check No.</u>	<u>Amount</u>
General Fund	105470-105562	\$ 68,252.46
Fire Protection	310015	\$ 3,217.54

Post Retirement	0-0	\$	0.00
Super Fund	0-0	\$	0.00
Solid Waste	600296-600305	\$	97,731.69
Pool/Park Fund	900763-900770	\$	2,560.89
Capital Expenditures	180021	\$	3,400.35
Capital Debt Sinking	0-0	\$	0.00
Liquid Fuels	350223-350226	\$	29,565.14
Total Bills Paid		\$	204,380.07

Accounts Payable

<u>Fund</u>	<u>Amount</u>
General Fund	\$ 15,990.53
Fire Protection	\$ 0.00
Post Retirement Fund	\$ 0.00
Super Fund	\$ 0.00
Solid Waste	\$ 48,485.36
Pool Fund	\$ 1,326.27
Capital Projects	\$ 0.00
Capital Debt	\$ 0.00
Liquid Fuels	\$ 8,977.15
Total Accounts Payable	\$ 74,779.31

Motion carried unanimously.

HEALTH, ENVIRONMENT AND CABLE

Ms. Noll, Chairperson, announced there would be no delay in garbage collection for this week. She noted Martin Luther King Day is not a holiday for the collection contractor.

A motion was made by Ms. Noll, seconded by Mr. Robb, authorizing the proper officials to satisfy the following Municipal Lien, noting it had been paid in full:

Fresch, David & Sarah 2232 Lewis Street 553-B-380 GD10-24063

PARKS AND RECREATION

Mr. Robb, Chairperson, indicated the Recreation Board is sponsoring a Valentine's Day Dance on February 9th at the WOAA. The event is scheduled for 8:00 p.m. with a dinner and dancing from 9:00 p.m. until midnight.

PLANNING, ZONING AND CODE ENFORCEMENT

Mr. Babyak, Chairperson, noted there were 37 building/occupancy permits issued, for a total of \$2,918.00 and 7 property violation notices were issued along with 305 day notices for removal of vehicles from streets. There was also 1 magistrate hearing was held.

A motion was made by Mr. Babyak, seconded by Mr. Davis, authorizing the Manager to complete an RCAP grant application for construction of a bridge across from Cool Springs Road leading back to the industrial zoned property.

Motion carried unanimously.

Mr. Pasternak noted the Borough is only filing the grant application. All funding would be secured through the state and the developer. The Borough will require the developer to provide a letter indicating final support for the project.

A motion was made by Mr. Babyak, seconded by Mr. Robb, to accept the recommendation of the White Oak Borough Planning Commission to approve and authorizing the proper officials to sign the Kenneth P. Teamann, Logan Road, Lot Consolidation Plan.

Motion carried unanimously.

PUBLIC SAFETY

Mr. Massung, Chairperson, acknowledged the passing of Borough Solicitor Terry Leckman, noting the Borough lost a great solicitor, family man and devoted Christian.

PUBLIC WORKS

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

TAX COLLECTOR'S REPORT

Current Real Estate

Robert Hart, Current Tax Collector, turned in \$14,784.74 on the 2012 Tax Duplicate, for the period of December 1, 2012 – December 31, 2012.

Commission due – \$146.25 (39 accounts @ \$3.75)

Assessed Value	\$337,188,268.00
Exonerations (Less)	\$ 436,800.00
Additions	\$ 2,475,400.00
Abatement Values	\$ 465,250.00
Adjusted Value	\$338,761,618.00
Value of statements (actual)	\$ 1,917,390.76
Act 77 Revoked @ Face	\$ 455.58
Act 77 Eligible @ Face	<u>\$ 56,563.10</u>
Corrected Value of Statements	\$ 1,861,283.24
Collected from – 12/01/12 – 12/31/12	\$ 16,263.22
Discount (add)	\$ 0.00
Less Penalty (sub)	<u>\$ 1,478.48</u>

Total Credited to Duplicate	\$ 14,784.74
Amount Previously Collected	\$ 1,733,661.97
Collections	\$ 14,784.74
Total Collected	<u>\$ 1,748,446.71</u>
Balance to be collected	\$ 112,836.53

Delinquent/Liened Real Estate

Keystone Collections Group, Delinquent/Liened Real Estate Tax Collector, turned in \$5,263.83 in taxes and costs collected for the collection period of November 26, 2012 – December 31, 2012.

Commission due	- \$ 44.44
Costs	- \$ <u>404.50</u> (4 – Civil Complaints)
Total Due	- \$ 448.94

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 December 1, 2012 – December 31, 2012.

Commission due	- \$ 1,244.81
Costs	- \$ <u>118.99</u> (Postage/Costs Advanced)
Total Due	- \$ 1,363.80

Mercantile/Business Privilege and Local Service Tax Collector

Keystone Collections Group, Current Act 511 Tax Collector, turned in \$809.65 in Local Service Tax for the collection period of December 1, 2012 – December 31, 2012.

Commission due	- \$ 16.11
Costs	- \$ <u>0.00</u>
Total Due	- \$ 16.11

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 November 26, 2012 – December 31, 2012.

Commission due	- \$ 0.00
Costs	- \$ <u>0.00</u>
Total Due	- \$ 0.00

Keystone Collections Group, Delinquent Act 511 Tax Collector, turned in \$0.00 in delinquent Local Service Tax, \$2,340.28 in delinquent Business Privilege Tax, \$362.23 in delinquent Mercantile Tax for the collection period of November 26, 2012 – December 31, 2012.

Commission due	- \$	278.96
Costs	- \$	0.00
Total Due	- \$	278.96

A motion was made by Mr. Robb, seconded by Mr. Davis, 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 Mr. Babyak, seconded by Mr. Dillinger, to accept Engineer's Report and pay Invoices 447063, dated December 27, 2012, in the amount of \$512.26 FOR THE Teamann Plan of Lots.

Motion carried unanimously.

SOLICITOR'S REPORT

Ms. McGrail, Solicitor, indicated she had not further report at this time.

ANIMAL CONTROL OFFICERS' REPORTS

Ms. Noll read the Animal Control and Wildlife Officer's Reports for the month of October 2012.

Ferree Kennels – Animal Control Officer
 Report for the month of December 2012

Number of Animals Humanely Disposed Of	0
Number of Animals Turned Over to WOASH	0
Number of Dogs Returned to Owners	1
Number of Calls Answered from Residents & Municipal Offices	7
Number of Person Information Signed Against	2
Number of Citations Issued	3
Number of Claims to State for Housing	0
Monthly Fee	\$ 50.00
After Hours Calls 1	\$ 0.00
State Housing Reimbursement	\$ 100.00 (3 RD Quarter Housing)
Total Due	\$ 150.00

A motion was made by Ms. Noll, seconded by Mr. Davis, to accept the report and pay

the fee due Ferree Kennels for services rendered in December.

Motion carried unanimously.

Dave Collura – Wildlife Control
Report for the month of December 2012

	Live Trap	Road Kill	Disposal After Hours Calls
Deer	0	4	4
Bats	0	0	
Birds/Fowl/Turkey	0	0	
Cats	0	0	
Chipmunk	0	0	
Degas	0	0	
Groundhogs	0	0	
Opossums	5	3	
Rabbits	0	2	
Raccoons	12	7	
Skunks	0	0	
Squirrels	4	3	
Snakes	0	0	
Turtles	0	0	
Total Due	\$350.00	\$140.00	\$ 120.00
Grand Total: \$570.00			

A motion was made by Ms. Noll, seconded by Mr. Robb, to accept the Wildlife Officer's Report for the month of December.

Motion carried unanimously.

RESOLUTIONS AND ORDINANCES

Ms. McGrail read Resolution No. 3685 by short title for adoption.

R-3685 REAL ESTATE TAX REFUND

A motion was made by Mr. Robb, seconded by Mr. Babyak, to adopt Resolution No. 3685 by short title.

Motion carried unanimously.

Mr. Pasternak declared Resolution No. 3685 adopted.

Ms. McGrail read Resolution No. 3686 by short title for adoption.

R-3686 ADOPTING ALLEGHENY COUNTY HAZARD MITIGATION PLAN

A motion was made by Mr. Robb, seconded by Mr. Babyak, to adopt Resolution No. 3686 by short title.

Motion carried unanimously.

Mr. Pasternak declared Resolution No. 3686 adopted.

NEW BUSINESS

Mr. Pasternak asked for a motion to appoint the following officials to various delegate and alternate delegate positions:

	Delegate	Alternate Delegate
Twin Rivers COG	David Pasternak	Edward Babyak
SHACOG Cable Franchise Authority	David Pasternak	Carrie Noll
West to West Coalition	Ina Jean Marton	Ronald Massung
League of Municipalities/Borough Assocs	Ina Jean Marton	Ronald Massung
McKeepport Library Board	Ina Jean Marton	Kenneth Robb

A motion was made by Ms. Noll, seconded by Mr. Babyak, to approve the above appoints to the various delegate and Alternate Delegate positions.

Motion carried.

Mr. Pasternak asked for a motion to reappoint the following individuals to the various board/commissions of the Borough:

Board/Commission	Individual	Term
Building Code Appeals Board	Robert Degalu	5 year
Planning Commission	Helen Stratigos	4 year
Recreation Board	Peter Melnichak	5 year
Vacancy Board	Jodi Perozich	1 year
Zoning Hearing Board	David Preece	3 year
Zoning Hearing Board	Keith Reigh, Alternate	3 year

Mr. Davis noted Paul Leibold a volunteer firefighter, with White Oak #1 passed away.

OLD BUSINESS

NONE

ADJOURNMENT

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

Motion carried unanimously.

Meeting adjourned at 8:15 p.m.

Date Approved

Borough Secretary