

**MINUTES OF THE REGULAR MEETING  
OF WHITE OAK BOROUGH COUNCIL  
HELD MONDAY, OCTOBER 17, 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 and Kenneth Robb. . Also attending were Mayor Ina Marton, Solicitor Terry Leckman, Engineer Representative Donald Hultberg, Borough Manager John W. Petro, Jr. and Borough Secretary Nancy Greenland.

Council member Carrie Verbanick was absent.

**MINUTES**

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

Public Hearing, August 22, 2011 (Facts & Finding Hearing Structural Stability of 213  
Dome and 621 Osborne Streets)

Special Meeting, August 22, 2011

Workshop Meeting, September 14, 2011

Workshop Meeting, September 19, 2011

Regular Meeting, September 19, 2011

Public Bid Opening, October 17, 2011 – Towing Services

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. Leitzell asked if the officials knew why the new home at 1203 Clark Street was still assessed by the County as vacant land.

Mr. Petro indicated he did contact the County regarding this issue and had not received an answer as yet. He did not the new home is now listed under the market value of the county's real estate website.

Ms. Leitzell noted the home was occupied for a full school tax year, but there was no assessment so no school taxes were paid. She also asked if the Borough had ever requested an interim assessment on new construction. She noted not only is the owner of this new home claiming homestead status on this site but also two other locations.

Mr. Pasternak stated he was unaware of any interim assessments for the Borough and would have the solicitor check into this matter.

Mr. Petro advised that a monthly permit report is forwarded to the County. The report includes building and occupancy permits. A quarterly report is also submitted to the state.

Ms. Leitzell asked why the County doesn't assess as soon as the occupancy permit is issued. Noting when she put a new deck on the County was there within 6 months to reassess.

### **Fred Haynes – 98 Carmella Drive**

Mr. Haynes asked if employees were required to be residents of the Borough.

Mr. Robb advised that that was not a requirement. He did not that under the current Public Works CBA new hires are required to become residents within a specified period of time. He noted there was no such requirement in the CBA for the Police Department.

Mr. Haynes indicated he was in possession of the Fact Finder Report which indicates that Elizabeth Twp. Runs is operation with far less money that White Oak. White Oak's population is 8,700 while Elizabeth Twp. Is 13,000. White Oak has 6.35 sq. miles while Elizabeth has 26 sq. miles.

Mr. Haynes stated a lot of residents weren't even aware the Borough had a tax increase in 2011.

Mr. Pasternak noted the Borough had been using its surplus to offset tax increases over a number of years. That surplus has been eliminated.

## **REPORTS OF CHAIRPERSONS OF STANDING COMMITTEES**

### **President's Report**

Mr. Pasternak was absent. There was not report submitted.

### **Mayor's Report**

Mrs. Marton gave the September Report:

Arrests:	19 (18 adults, 1 juvenile)
Assault	1
Burglary	1
Disorderly Conduct	4
Drug Offenses	4
DUI	7
Theft	2
Summary Traffic Violations	90
Total Incidents	783

Mayor Marton reported she was in receipt of a letter from a resident who wanted to express his appreciation to an officer that assisted him when his vehicle broke down. The officer put out flairs and stayed with him with flashing lights on until the tow truck arrived. The officer's first name was Mark.

### **Finance**

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

A motion was made by Mr. Dillinger, seconded by Mr. Massung, to accept the Check Register and Accounts Payable as of September 30, 2011

#### **Bills-**

<u>Fund</u>	<u>Check No.</u>	<u>Amount</u>
General Fund	104194- 104326	\$ 334,367.10
Fire Protection	30012-30013	\$ 36,709.72
	31015	\$ 6,709.71
Post Retirement	0-0	\$ 0.00
Sale of Fixed Asset Fund	0-0	\$ 0.00
Solid Waste	600240-600244	\$ 65,499.60

Pool/Park Fund	900537-900565	\$ 22,485.88
Capital Expenditures	180012-180013	\$ 70,133.45
Capital Debt Sinking	231019-231021	\$ 384,945.93
Liquid Fuels	350164-350169	<u>\$ 18,854.28</u>
Total Bills Paid		\$ 939,705.67

Accounts Payable

<u>Fund</u>	<u>Amount</u>
General Fund	\$ 8,239.92
Fire Protection	\$ 0.00
Post Retirement Fund	\$ 0.00
Super Fund	\$ 0.00
Solid Waste	\$ 0.00
Pool Fund	\$ 1,104.34
Capital Projects	\$ 0.00
Capital Debt	\$ 0.00
Liquid Fuels	<u>\$ 0.00</u>
Total Accounts Payable	\$ 9,344.26

Motion carried unanimously.

Mr. Dillinger noted that \$384,945.93 of the total of bills paid is attributed to the 2011 Road Paving Program.

A motion was made by Mr. Dillinger, seconded by Mr. Robb, to accept the offer, in the amount of \$500.00, from the Commonwealth of Pennsylvania, Department of Transportation for damages and temporary easement for a storm sewer right-of-way along Lincoln Way and appointing John W. Petro, Jr., Borough Manager, as the lead contact. This is in conjunction with the Lincoln Way Widening Project.

Motion carried unanimously.

Mr. Dillinger indicated the Borough has done some general work on the 2012 Budget and at this time we do not anticipate the need for a tax increase. He stated again this is a preliminary budget and the Borough will keep working on this through the time of adoption.

**HEALTH, ENVIRONMENT AND CABLE**

In the absence of Ms. Verbanick, Chairperson, Mr. Robb advised the Borough has extended its recycling program to include cardboard. Cardboard can be placed in the new blue and green ecorewards recycling bins located behind the Municipal Building. Boxes are to be flattened before placing in the bins.

A motion was made by Mr. Robb, seconded by Mr. Davis, authorizing the proper officials to satisfy municipal lien GD11-20734, filed against Thomas and Dara Cain, 1520 California Avenue, Block & Lot 550-J-291. The account is up to date.

Motion carried unanimously.

## **PARKS AND RECREATION**

Mr. Robb, Chairperson, announced the following upcoming events:

The Recreation Board is sponsoring a Halloween Parade on Saturday, October 29<sup>th</sup>. Line Up is at White Oak School and 11:30 a.m. with the parade starting at 12:00 noon. The parade route is as follows: White Oak School Parking Lot to California Avenue, California Avenue to Foster Street, Foster Street to Ohio Avenue, Ohio Avenue to Auld Street, Auld Street pack to White Oak School Parking Lot. Treat bags will be distributed to the participants.

The Recreation Board is sponsoring a Halloween Dinner Dance on Saturday, October 29, 2011. DJing is the Legendary Terry Lee. The event is being held at the WOAA. A Meet N' Greet is set for 6 to 7 with buffet meal from 7 to 9 and then dancing til 11:00 p.m. Tickets are limited and cost \$25.00 per person. Tap Beer and Mixers Provided. A motion was made by Mr. Robb, seconded by Mr. Dillinger, authorizing the proper officials to sign option agreements with Penneco for the possible drilling of natural gas wells at Heritage Hill Park and the White Oak Athletic Association.

## **PLANNING, ZONING AND CODE ENFORCEMENT**

Mr. Babyak, Chairperson, noted there were 19 permits issues, for a total of \$\$721.20 in fees for the month of September. There were also 11 violation notices issued and three (3) citations issued.

## **PUBLIC SAFETY**

Mr. Massung, Chairperson, announced that last week was National Fire Prevention Week and that on November 6th Daylight Savings Time will end. He suggested everyone put new batteries in their smoke and carbon monoxide detectors.

Mr. Massung advised the Borough supports the decision of Rainbow Volunteer Fire Company to purchase a small equipment truck for assessing narrow alleys and roads within the Borough.

A motion was made by Mr. Massung, seconded by Mr. Babyak, authorizing the extension of the Police Service Agreement between White Oak Borough and South Versailles Twp. under the same terms through December 31, 2012.

Motion carried unanimously.

A motion was made by Mr. Massung, seconded by Mr. Robb, to award the Towing Service Agreement to C & D Towing and Recovery Inc. for the year of 2012 with the option for a one year extension.

Motion carried unanimously.

## **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, authorizing payment in the amount of \$250,521.39 to Morgan Excavating L.P., under Contract 9775-11-01. This represents payment for work already performed under Request No. 3 for the 2011 Road Rehab Project.

Mr. Massung asked if there would be any future payments to Morgan.

Mr. Hultberg stated the Borough is holding 5% contract amount until all items are completed on the final inspection punch list.

Motion carried unanimously.

## **TAX COLLECTOR'S REPORT**

### **Current Real Estate**

Robert Hart, Current Tax Collector, turned in \$11,098.24 on the 2011 Tax Duplicate, for the period of September 1, 2011 – September 30, 2011.

### **Commission due – \$86.25 (23 accounts @ \$3.75)**

Assessed Value	\$337,235,488.00
Exonerations (Less)	\$ 628,730.00
Additions	\$ 691,600.00
Abatement Values	\$ 837,800.00
Adjusted Value	\$336,460,558.00
Value of statements (actual)	\$ 1,884,179.12
Act 77 Revoked @ Face	\$ 379.34
Act 77 Eligible @ Face	\$ 57,146.71
Corrected Value of Statements	\$ 1,826,247.51
Collected from – 9/01/11 –9/30/11	\$ 11,098.24
Discount (add)	\$ 0.00
Less Penalty (sub)	\$ 1,008.94
Total Credited to Duplicate	\$ 10,089.30
Amount Previously Collected	\$ 1,702,265.16
Collections	\$ 10,089.30
Total Collected	\$ 1,712,345.46
Balance to be collected	\$ 115,057.29

**Delinquent/Liened Real Estate**

Keystone Municipal Collections, Delinquent/liened Real Estate Tax Collector, turned in \$3,537.14 in taxes and costs collected for the collection period of August 26, 2011 – September 25, 2011.

**Commission due - \$ 25.06**  
**Costs - \$ 299.25 (Civil Complaints, Default Judgments, Sci Fa)**  
**Total Due - \$ 324.31**

**Earned Income Tax Collector**

Keystone Municipal Collections, Current Earned Income Tax Collector, turned in \$24,007.49 (current year minus refunds/non-resident distributions) and \$1,789.27 (prior year minus refunds/non-resident distributions) in current Earned Income Tax for the collection period of September 1, 2011 – September 30, 2011.

**Commission due - \$ 333.07**  
**Costs - \$ 9.31 (Postage for refunds, employer packets & wage card Reprints.)**  
**Total Due - \$ 342.38**

Keystone Municipal Collections, Delinquent Earned Income Tax Collector, turned \$1,871.32 (audited) in delinquent Earned Income Tax, including costs for the collection period of August 26, 2011 – September 25, 2011.

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

**Mercantile/Business Privilege and Emergency Municipal Service Tax Collector**

Keystone Municipal Collections, Current Act 511 Tax Collector, turned in \$911.32 in Local Service Tax and \$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 Municipal Collections, Delinquent Act 511 Tax Collector, turned in \$0.00 in delinquent Local Service Tax, \$6,035.11 in delinquent Business Privilege Tax, \$282.66 in delinquent Mercantile Tax for the collection period of August 26, 2011 – September 25, 2011.

**Commission due - \$ 367.31**  
**Costs - \$ 0.00**  
**Total Due - \$ 367.31**

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 October 12 and 17<sup>th</sup> Workshop Sessions. The EADS Group has been working on the items outlined at those meetings.

A motion was made by Mr. Babyak, seconded by Mr. Robb, to accept the Engineer's Report and pay Invoices No. 44716, dated September 22, 2011, in the amount of \$3,421.78 regarding the 2011 Road Paving Project and Invoice 44718, dated September 22, 2011, in the amount of \$300.00 regarding Planning Fees. Total Due \$3,721.78

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 ordinances and one resolution for consideration.

Mr. Leckman noted a potential agreement had been reached between MEIT (Municipal Employee Insurance Trust) and the Borough. He asked for a motion authorizing payment in the amount of \$1,679.40 to MEIT and authorizing the proper officials to sign the settlement agreement.

A motion was made by Mr. Robb, seconded by Mr. Massung to authorizing payment in the amount of \$1,679.40 to MEIT and authorizing the proper officials to sign the settlement agreement.

Motion carried unanimously.

Mr. Leckman noted he was advised today the White Oak Police Department, which is represented by the FOB, has accepted the term of a new Collective Bargaining Agreement. He asked for a motion to ratify the the Agreement which is for a term of 3 years and authorize the proper officials to draft and sign the document.

A motion was made by Mr. Massung, seconded by Mr. Babyak, to ratify the terms of a new 3 year Collective Bargaining Agreement with the Police Department, authorize the proper officials to draft and sign the agreement.

Motion carried unanimously. (Roll Call Vote)



A motion was made by Mr. Babyak, seconded by Mr. Robb, to accept the Solicitor's Report and pay Invoices No. WOB 282 and WOB 273, dated October 17, 2011, totaling \$11,193.75.

Motion carried unanimously.

**ANIMAL CONTROL OFFICERS' REPORTS**

Mr. Robb read the Animal Control and Wildlife Officer's Reports for the month of September 2011.

A motion was made by Ms. Verbanick, seconded by Mr. Dillinger, to accept the report and pay the fee due Trish Hroblak for services rendered in July.

Motion carried unanimously.

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

Number of Animals Humanely Disposed Of	0
Number of Animals Turned Over to WOASH	1
Number of Dogs Returned to Owners	1
Number of Calls Answered from Residents & Municipal Offices	11
Number of Person Information Signed Against	1
Number of Citations Issued	2
Number of Claims to State for Housing	1
Monthly Fee	\$ 50.00
After Hours Calls 0	\$ 0.00
Total Charges for September 2011	\$ 50.00

A motion was made by Mr. Robb, seconded by Mr. Davis, to accept the report and pay the fee due Ferree Kennels for services rendered in September.

Motion carried unanimously.

**Dave Collura – Wildlife Control**  
Report for the month of September 2011

	Live Trap	Road Kill	Disposal After Hours Calls
Deer	0	5	5
Bats	0	0	
Birds/Fowl/Turkey	0	0	
Chipmunk	0	0	
Degas	0	0	

Groundhogs	6	6	
Rabbits	0	0	
Raccoons	27	19	
Opossums	3	2	
Skunks	12	1	
Squirrels	6	2	
Snakes	0	0	
Turtles	0	0	
<b>Total Due</b>	<b>\$350.00</b>	<b>\$140.00</b>	<b>\$ 100.00</b>
<b>Grand Total: \$590.00</b>			

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

Motion carried unanimously.

**RESOLUTIONS AND ORDINANCES**

Mr. Leckman read Ordinance No. 3621 by short title for adoption.

**O-3621 PROHIBITING THE PARKING OF MOTOR VEHICLES ON LAWNS  
– AMENDMENT TO FINE**

A motion was made by Mr. Robb, seconded by Mr. Babyak, to adopt Ordinance No. 3621 as read by Mr. Leckman.

Motion carried unanimously.

Mr. Pasternak declared Ordinance No. 3621 officially adopted.

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

**O-3622 AIRPORT DISTRICT OVERLAY RESTRICTIONS**

Mr. Leckman suggested this Ordinance be tabled until our November 21<sup>st</sup> meeting, noting the County had not given final approval to our format.

A motion was made by Mr. Dillinger, seconded by Mr. Robb, to table adopt Ordinance No. 3622 until the November 21, 2011 Regular Meeting.

Motion carried unanimously.

Mr. Leckman read Ordinance No. 3623 by short title for adoption.

**O-3623 EARNED INCOME TAX ORDINANCE AMENDMENT – ACT 32 COMPLIANCE**

A motion was made by Mr. Robb, seconded by Mr. Babyak, to adopt Ordinance No. 3623 as read by Mr. Leckman.

Motion carried unanimously.

Mr. Pasternak declared Ordinance No. 3623 officially adopted.

Mr. Leckman read Resolution No. 3624 by short title for adoption.

**R-3624 REAL ESTATE TAX REFUNDS**

A motion was made by Mr. Massung, seconded by Mr. Babyak, to adopt Resolution No. 3624 as read by Mr. Leckman.

Motion carried unanimously.

Mr. Pasternak declared Resolution No. 3624 officially adopted.

**NEW BUSINESS**

A motion was made by Mr. Dillinger, seconded Mr. Robb, to change the start time of the Public Meetings from 8:00 p.m. to 7:30 p.m. on the third Monday of each month.

Motion carried unanimously.

Ms. Marton noted Trick or Treat will be held on Monday, October 31, 2011 from 6:00 p.m. until 8:00 p.m.

**OLD BUSINESS**

NONE

**ADJOURNMENT**

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

Motion carried unanimously.

Meeting adjourned at 8:31 p.m.

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Date Approved

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Borough Secretary