

**MINUTES OF THE REGULAR MEETING  
OF WHITE OAK BOROUGH COUNCIL  
HELD MONDAY, DECEMBER 20, 2010 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 Jean Marton, Solicitor Terry Leckman, Engineer Representative Donald Hultberg, Borough Manager John W. Petro, Jr. and Borough Secretary Nancy Greenland.

**CHANGE IN ORDER OF BUSINESS**

A motion was made by Mr. Massung, seconded by Mr. Dillinger, authorizing the hiring of William G Haines, and Gregory R. Smith as part-time police/patrol officers under Section 1195, Subsection 4 of the Borough Code.

Motion carried with Mr. Babyak voting nay.

The meeting was turned over to Mayor Marton.

Mrs. Marton administered the Oath of Office to Mr. Haines and Mr. Smith.

**RETURN TO NORMAL BUSINESS ORDER**

**MINUTES**

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

Workshop Meeting – November 10, 2010  
Workshop Meeting – November 15, 2010  
Regular Meeting – November 15, 2010

There were none.

A motion was made by Mr. Babyak, seconded by Ms. Verbanick, 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**

### **Richard Bryce – Messinger Lane**

Mr. Bryce expressed concern over the proposed 1.5 mill increase in real estate taxes for the year of 2011 and the fact that the Borough borrowed 4.5 million dollars for paving roads. He noted there was \$18,000.00 spent on paint the pool, by an outside contractor, and felt that personnel from the Public Works Department could have handled the project. He further expressed concern that the borough's paver has been left outside in the weather and how is considered to be junk. He also expressed concern about selling a 4 year old material spreader for pennies on the dollar as well as his concerns about not having the workshop open to the public.

Mr. Pasternak noted the workshops have always been opened to the public. If issues that are considered confidential (personnel matters and litigation issues) are discussed and the public is in attendance is asked to leave during these discussions.

Mr. Bryce stated Council needs to remember it serves the will of the people. Noting he is asked by many residents what is going on.

Mr. Robb asked Mr. Bryce did walk into the last workshop sessions he was not asked to leave he did stay until the meeting was adjourned. If executive session issues would have been discussed during the time you were there you would have been asked to leave but that was not the case.

Mr. Petro noted the Borough has always welcomed the public into the Workshops. When personnel/litigation matters are discussed the public is asked to be excused and if they do stick around are asked to rejoin the meeting once the executive session issues have been completed. He also asked Mr. Bryce why the public is seeking him out and why if they do so he doesn't refer them to the elected/appointed officials.

### **Jodi Perozick – 2800 Lincoln Way**

Ms. Perozick indicated she was please to see there were no major service cuts for the Borough. She commented she was glad to see that the officials were realizing there was an issue and addressing it before a major problem with finances occurred.

### **Wayne King – Stewartville Hollow**

Mr. King asked that Council keep the tax rate at the current level. He stated he felt that the purchase of new trucks and spreaders was a waste of borough funding.

Mr. Petro noted the last real estate tax increase was eight (8) years ago.

## REPORTS OF CHAIRPERSONS OF STANDING COMMITTEES

### **President's Report**

Mr. Pasternak noted the Borough offices will be closed on Friday, December 24 and Monday December 27 and Friday, December 31, 2010 in observance of the Christmas and New Year's Day Holiday.

### **Mayor's Report**

Mrs. Marton gave the November Stat Report.

Arrests: 13(11 adults/2 juveniles)

Disorderly Conduct	7
(One person also charged with Public Drunkenness)	
Drug Offenses	4
DUI	1
Public Drunkenness	1
Summary Traffic Violations	94
Total Incidents	450

### **Finance**

Mr. Dillinger, Chairperson, stated he had one motion to present.

A motion was made by Mr. Dillinger, seconded by Mr. Robb, to accept the Check Register and Accounts Payable as of November 30, 2010.

#### Bills-

<u>Fund</u>	<u>Check No.</u>	<u>Amount</u>
General Fund	103261-103369	\$ 254,531.98
Fire Protection	0-0	\$ 0.00
	0-0	\$ 0.00
Super Fund	0-0	\$ 0.00
Solid Waste	600209-600211	\$ 44,642.69
Pool/Park Fund	900408-900415	\$ 1,773.10
Capital Expenditures	0-0	\$ 0.00
Capital Debt Sinking	2683	\$ 7,964.75
Liquid Fuels	350125-350128	\$ 20,184.23
Total Bills Paid		\$ 329,086.76

#### Accounts Payable

<u>Fund</u>	<u>Amount</u>
General Fund	\$ 5,140.84
Fire Protection	\$ 0.00
Post Retirement Fund	\$ 3,500.00
Super Fund	\$ 0.00
Solid Waste	\$ 0.00

Pool Fund	\$	240.00
Capital Projects	\$	0.00
Capital Debt	\$	0.00
Liquid Fuels	\$	<u>0.00</u>
Total Accounts Payable	\$	8,880.64

Motion carried unanimously.

A motion was made by Mr. Dillinger, seconded by Mr. Babyak, authoring the proper officials to sign the Engagement Letter with Maher Duessel for conducting the annual: 2010 - \$13,700, 2011 - \$14,200 and 2012 -\$14,700.

Motion carried unanimously.

## **HEALTH, ENVIRONMENT AND CABLE**

Ms. Verbanick, Chairperson, Chairperson, noted there will be NO DELAY in the garbage collection due to the Christmas and New Year's Holidays.

Announce that Nicholas Nightingale who is 11 years of age and attends 5<sup>th</sup> Grade at Francis McClure was chosen the winner of the artwork contest promoting the Borough's expansion of recycling program. Curbside pickup will now include plastics (1 and 2) starting with the January pickup. His artwork was picked from the top five submissions from students at McClure. The other four contestants were John Brooke Giger 5<sup>th</sup> Grade; John Grayson – 6<sup>th</sup> Grade; Lauren Lewis – 4<sup>th</sup> Grade and J'Lana Stone – 5<sup>th</sup> Grade.

## **PARKS AND RECREATION**

Mr. Robb, Chairperson, stated the Borough would like to thank the personnel from Rainbow Volunteer Fire Company and the Borough who assisted in holding the "Season of Lights" event held November 20<sup>th</sup>. He indicated he had received complements on the event and wanted to thank those individuals involved.

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

Mr. Babyak, Chairperson, noted there were 15 permits issues for a total of \$9,253.00 in fees for the month of November there were also 10 violation notices issued.

A motion was made by Mr. Babyak, seconded by Mr. Dillinger, authorizing the proper officials to file a lien for all expenses associated with the demolition of 211 Dome Street. Demolition costs are \$4,800.00 and legal/notice/advertising fees associated with the hearing are \$479.28.

Motion carried unanimously.

## **PUBLIC SAFETY**

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

Mr. Massung asked that everyone be careful driving during the holiday season. He noted DUI checks points are also normally set up at this time of year.

## **PUBLIC WORKS**

Mr. Davis, Chairperson, indicated the Work Activity Report is available for viewing during normal business hours.

A motion was made by Mr. Davis, seconded by Mr. Babyak, authorizing the proper officials to sign Change Order #6 increasing the contract with Morgan Excavating for the 2010 Road Paving Project by \$12,758.75 and Change Order #7 decreasing the contract by \$87,478.32.

Motion carried unanimously.

A motion was made by Mr. Davis, seconded by Mr. Robb, authorizing payment in the amount of \$104,135.78 to Morgan Excavating for work performed in November on the 2010 Road Paving Project.

Motion carried unanimously.

## **TAX COLLECTOR'S REPORT**

### **Current Real Estate**

Robert Hart, Current Tax Collector, turned in \$9,235.80 on the 2010 Tax Duplicate, for the period of November 1, 2010 – November 30, 2010.

### **Commission due – \$206.50 (55 accounts @ \$3.75)**

Assessed Value	\$336,655,388.00
Exonerations (Less)	\$ 170,500.00
Additions	\$ 275,200.00
Abatement Values	\$ 597,050.00
Adjusted Value	\$336,163,038.00
Value of statements (actual)	\$ 1,398,438.24
Act 77 Revoked @ Face	\$ 191.45
Act 77 Eligible @ Face	\$ 42,765.37
Corrected Value of Statements	\$ 1,355,864.32
Collected from – 11/01/10 –11/30/10	\$ 9,235.80
Discount (add)	\$ 6.75
Less Penalty (sub)	\$ 0.00
Total Credited to Duplicate	\$ 8,439.75
Amount Previously Collected	\$ 1,282,765.03
Collections	\$ 9,439.75
Total Collected	\$ 1,291,204.78
Balance to be collected	\$ 64,659.54

### **Delinquent/Liened Real Estate**

Keystone Municipal Collections, Delinquent/liened Real Estate Tax Collector, turned in \$1,857.29 in delinquent real estate taxes plus costs for the collection period of October 26, 2010 – November 25, 2010.

<b>Commission due</b>	- \$	<b>5.93</b>
<b>Costs</b>	- \$	<b>0.00</b>
<b>Total Due</b>	- \$	<b>5.93</b>

### **Earned Income Tax Collector**

Keystone Municipal Collections, Current Earned Income Tax Collector, turned in \$33,613.42 (current year minus refunds/non-resident distributions) and \$2,512.15 (prior year minus refunds/non-resident distributions) in current Earned Income Tax for the collection period of October 26, 2010 – November 25, 2010.

<b>Commission due</b>	- \$	<b>486.49</b>
<b>Costs</b>	- \$	<b>.66 (Postage for refunds)</b>
<b>Total Due</b>	- \$	<b>487.15</b>

Keystone Municipal Collections, Delinquent Earned Income Tax Collector, turned \$1,649.93 (audited) in delinquent Earned Income Tax, including costs for the collection period of October 26, 2010 – November 25, 2010.

<b>Commission due</b>	- \$	<b>0.00</b>
<b>Costs</b>	- \$	<b>0.00</b>
	- \$	<b>0.00</b>

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

Keystone Municipal Collections, Current Act 511 Tax Collector, turned in \$110.00 in Local Service Tax, \$0.00 in Business Privilege and \$0.00 in Mercantile Tax collections for the collection period October 26, 2010 – November 25, 2010.

<b>Commission due</b>	- \$	<b>1.65</b>
<b>Costs</b>	- \$	<b>0.00</b>
<b>Total Due</b>	- \$	<b>1.65</b>

Keystone Municipal Collections, Delinquent Act 511 Tax Collector, turned in \$0.00 in delinquent Local Service Tax, \$1,382.66, in delinquent Business Privilege Tax, \$162.83 in delinquent Mercantile Tax for the collection period of October 26, 2010 – November 25, 2010.

<b>Commission due</b>	- \$	<b>139.25</b>
<b>Costs</b>	- \$	<b>0.00</b>
<b>Total Due</b>	- \$	<b>139.25</b>

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 Workshop Sessions on December 15 and December 20. The EADS Group has been working on the items outlined at those meetings.

A motion was made by Mr. Babyak, seconded by Ms. Verbanick, to accept the Engineer's Report and pay Invoice No. 43216, dated November 16, 2010 and Invoice No. 43343, dated December 14, 2010.

Road Rehabilitation Program	\$ 12,796.11 (November)
Road Rehabilitation Program	\$ 7,084.46 (December)

Total Due - \$19,880.57

Motion carried unanimously.

## **SOLICITOR'S REPORT**

Mr. Leckman stated he provided his report to Council at the Workshop meetings and he would present several ordinances and resolutions for consideration.

A motion was made by Ms. Verbanick, seconded by Mr. Babyak, to accept the Solicitor's Report and pay Invoice No. WOB 262 dated December 20, 2010, in the amount of \$6,340.50.

Motion carried unanimously.

## **ANIMAL CONTROL OFFICERS' REPORTS**

Mr. Verbanick read the Animal Control Officer's and Wildlife Officer's Reports for the month of October 2010.

Trisha Hroblak – Animal Control  
Report for the month of October 2010

911 Calls Taken	4
Municipality/Resident Calls Taken	6
Complaints	3
Dogs Returned to Owners	8
Dogs Surrendered to Shelter	2
Dog Humanely Disposed of	0
Dogs Hit/Killed by Vehicle	0
Cats Returned to Owners	1
Cats Surrendered to Shelter	1
Cats Humanely Disposed of	0
Cats Hit/Killed by Vehicle	1
Individuals Filed Against	0
Citations Issued	0
Monthly Fee	\$225.00

Additional Charges(2 after hours calls)	\$ 60.00
Total Due	\$285.00

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

Dave Collura – Wildlife Control  
Report for the month of November 2010

	Live Trap	Road Kill	Disposal After Hours Calls
Deer	0	5	5
Bats	0	0	
Birds/Fowl	0	0	
Chipmunk	0	0	
Degas	0	0	
Groundhogs	0	0	
Rabbits	0	0	
Raccoons	8	3	
Opossums	3	4	
Skunks	3	3	
Squirrels	0	1	
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 Ms. Verbanick, seconded by Mr. Babyak, to accept the Wildlife Control Officer's Report and pay the fee due in the amount of \$590.00 for the month of November.

Motion carried unanimously.

**RESOLUTIONS AND ORDINANCES**

Mr. Leckman read Resolution No. 3593 by short title for adoption.

**R-3593 2011 Budget Appropriations**

A motion was made by Mr. Robb, seconded by Mr. Dillinger, to adopt Resolution No. 3593 as read by Mr. Leckman.

Motion carried unanimously.

Mr. Pasternak declared Resolution No. 3593 officially adopted.

Mr. Leckman read Ordinance No. 3594 by short title for adoption.

**O-3594 2011 Tax Levy – 5.66**



A motion was made by Mr. Dillinger, seconded by Mr. Robb, to adopt Ordinance No. 3594 as read by Mr. Leckman.

Motion carried with Mr. Massung voting nay.

Mr. Dillinger noted the proposed Budget for 2011 does include a 1.5 mill increase in real estate taxes. He stated that none of the officials wants to pass on a rate increase but the time has come that one is needed. He noted the Borough is covering a portion of the \$498,000 for the annual loan payment for the road project while budgeting \$432,000 for the balance in 2011. The borough has not done any major road projects for a number of years. He noted the Public Works Dept. does have the knowledge to pave roads, but the number of roads being paved over this year and the next several years is far above their work force level. To pave a crew of eight (8) minimum is needed. The Borough currently has a force of six (6). It would cost a minimum of \$135,000 to staff at the higher level. He stated he felt the paving program was money well spent. The improvements to the roads keep the property values up.

A balance carry over of \$550,000 is needed to balance the 2010 Budget without the carryover an increase would have been necessary in 2010. The officials will do whatever it can to reduce expenses without reducing services.

Mr. Massung noted that in previous years each line item was reviewed that was not done this year. The Borough needs to be run like a business and we need more checks and balances. He further noted the Borough hired a Manager at the end of 2009 and purchase several new trucks. Not all were needed. There was work performed at the pool and chairs were purchases. We also have to pay back the 4,5 million loan for the road program. This increase in the tax levy rate is a 37% increase.

Mr. Dillinger asked Mr. Massung if he voted no on any of the motions authorizing the purchase of the trucks or the road paving program and loans. He stated he did not recall anyone voicing any objection to these items. He further noted Council did meet and did do a line item review, stating that the Mr. Massung recommended \$99,000 in changes to reduce the \$550,000. difference in expenditures over revenues. He further noted eventually the Borough would still need to increase the tax levy. The Borough hasn't raised taxes in eight (8) years were do you think the revenue comes from to cover the expenses.

Mr. Massung stated he believed there could have been more cutting of expenses. He noted none of the suggestions he recommended were accepted. He further stated it was not easy being the only no vote and that the officials could have done better.

Mr. Dillinger noted the Borough reduced personnel in the Public Works Department. The trucks that were replaced were older and breaking down. This was not taken lightly by any of the officials. Even with the suggested cuts Mr. Massung presented there was still the need for a tax increase.

Mr. Petro noted that some of the suggestions for line item were able to be done. He noted street light fees could not be cut unless we cut out service to various street lights. It was also suggested to reduce overtime under the Police Department as we were hiring two (2) part-time officers. He noted the two new part-time officers may not be out patrolling, on their own, for several months. The potential for savings is an unknown. This may be something we can address under the 2012 budget once we securing some history. There were four (4) budget

sessions and one held with all officials present on a Sunday. All of the suggestions by Mr. Massung were discussed. There were a lot of items that were eliminated from the budgeting process before we even got down to the final presentation.

Mr. Pasternak declared Ordinance No. 3594 officially adopted.

Mr. Leckman read Ordinance No. 3595 by short title for adoption.

**O-3595 Stop Sign Ordinance Amendment**

A motion was made by Mr. Babyak, seconded by Mr. Dillinger, to adopt Ordinance No. 3595 as read by Mr. Leckman.

Motion carried unanimously.

Mr. Pasternak declared Ordinance No. 3595 officially adopted.

Mr. Leckman read Ordinance No. 3596 by short title for adoption.

**O-3596 2011 – Salary Ordinance**

A motion was made by Mr. Babyak, seconded by Mr. Davis, to adopt Ordinance No. 3596 as read by Mr. Leckman.

Motion carried unanimously.

Mr. Pasternak declared Ordinance No. 3596 officially adopted.

Mr. Leckman read Resolution No. 3597 by short title for adoption.

**R-3597 Establishing the 2011 Employee Contribution into the Police Pension Plan.**

A motion was made by Mr. Babyak, seconded by Mr. Dillinger, to adopt Resolution No. 3597 as read by Mr. Leckman.

Motion carried unanimously.

Mr. Pasternak declared Resolution No. 3597 officially adopted.

Mr. Leckman read Resolution No. 3597 by short title for adoption.

**R-3598 Non-Uniformed Pension Plan – Vesting for Public Works Personnel**

A motion was made by Mr. Dillinger, seconded by Mr. Davis, to adopt Resolution No. 3598 as read by Mr. Leckman.

Motion carried unanimously.

Mr. Pasternak declared Resolution No. 3598 officially adopted.

Mr. Leckman read Resolution No. 3598 by short title for adoption.

**NEW BUSINESS**

NONE

**OLD BUSINESS**

NONE

**ADJOURNMENT**

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

Motion carried unanimously.

Meeting adjourned at 8:35 p.m.

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Date Approved

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Borough Secretary