

**MINUTES OF THE REGULAR MEETING  
OF WHITE OAK BOROUGH COUNCIL  
HELD MONDAY, DECEMBER 19, 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, Ronald Massung, David Pasternak, Kenneth Robb and Carrie Verbanick. 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 George Dillinger was absent.

**MINUTES**

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

Workshop Meeting, November 16, 2011  
Workshop Meeting, November 21, 2011  
Public Hearing, November 21, 2011 – Airport Overlay District  
Regular Meeting, November 21, 2011  
Special Meeting, November 28, 2011 – Non-Resident EIT

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**

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

Mr. Haynes expressed concern that the 2012 Budget for White Oak exceeded the 2012 Budget for Elizabeth of \$4 million and has a population of 13,000 while White Oak only a \$6 million budget and a population of 8,000. He further noted he felt the wages of borough personnel were high in particular the Code Officer at \$48,000 and the Manager and Secretary at \$113,000. He further noted White Oak did not have a strong mayor position. He further noted the police department makes up 52% of the budget. Taxes were raised by one (1) mill last year. He stated that retired officer and now council member Mr. Babyak received health insurance coverage through the Borough.

Mr. Babyak stated he was not the recipient of any health benefits after he retired.

### **Carolyn Leitzel – 2155 Lewis Street**

Ms. Leitzel expressed concern that the new residential home program for White Oak Borough exceeded the two (2) year limit set by state regulations. She also asked if the extension of the program was approved after a public hearing.

Mr. Pasternak advised Ms. Leitzel that the Borough Solicitor would check into this issue.

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

Mr. Bryce noted that as a follow up from last month has it been determined when an abatement goes into effect.

Mr. Pasternak noted the abatement must be applied for within 60 days after the occupancy permit is issued. The abatement then goes into effect once the County places an assessed value on the improvement (new home construction).

Mr. Bryce asked why one of the trucks was down for repairs.

Mr. Davis noted that when new winter tires were installed by the vendor the lug nuts worked loose and bent the bolts. A new wheel and lugs nuts are being installed at the expense of the tire vendor.

### **Jodi Perozich – 2800 Lincoln Way**

Ms. Perozich stated she was responding to comments from Mr. Haynes. She noted she felt Borough Council worked well together and that if there are disagreements they are dealt with civilly.

**Adam Giran – 142 Victoria Drive**

Mr. Giran stated he worked as an intern through the Code Office a number of years ago and noted that there is a lot of work that goes through the office. He stated he did not feel that Mr. Haynes comments were justified. He noted he had no issue with the one mill tax increase for 2011. He noted that public safety is the number one issue and that is why the police department has a higher percent of the budget. Officers need to have backup. Complaints no matter how petty need to be addressed.

**REPORTS OF CHAIRPERSONS OF STANDING COMMITTEES**

**President’s Report**

Mr. Pasternak noted Borough offices will be closed on Monday and Tuesday, December 26 and 27 in observance of the Christmas Holiday as well as Monday, January 2, 2012 in observance of the New Year’s Holiday.

Mr. Pasternak indicated District Justice Miller will conduct the swearing in ceremony on Monday, January 2, 2012 at 7:00 p.m. Immediately following the ceremony Council will hold the Reorganization Meeting. He further advised that he would be sworn in on December 28 at 7:30 p.m. as he would be out of town on January 2<sup>nd</sup>.

Mr. Pasternak reminded those in attendance that the next Regular Meeting will be held on Monday, January 16, 2012 at 7:30 p.m. All Regular Meetings in 2012 will start at 7:30 p.m. instead of 8:00 p.m.

**Mayor’s Report**

Mrs. Marton gave the November Report:

Arrests:	12	(9 adults, 3 juvenile)
Assault	2	
Criminal Trespass	1	
Drug Offenses	5	
Fire arms Not To Be Carried/without License	1	
Also charged with DUI		1
Harassment	1	
Public Drunkenness	1	
Theft	1	
Summary Traffic Violations	80	
Total Incidents	621	

Ms. Marton read a letter from the Long Run Children Learning Center thanking/complimenting Rainbow V.F.C. on its professional and courtesy during a recent fire safety visit to the school.

Ms. Marton responding to a comment made by Mr. Haynes disagreed with him that the position of Mayor in the Borough was not a strong position.

## Finance

Mr. Dillinger, Chairperson, was absent. In his absence Mr. Robb gave his report.

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

### Bills-

<u>Fund</u>	<u>Check No.</u>	<u>Amount</u>
General Fund	104404-104490	\$ 83,590.78
Fire Protection	0-0	\$ 0.00
Post Retirement	0-0	\$ 0.00
Super Fund	0-0	\$ 0.00
Solid Waste	600247-600250	\$ 60,211.02
Pool/Park Fund	900572-900579	\$ 3,068.21
Capital Expenditures	0-0	\$ 0.00
Capital Debt Sinking	231022-231023	\$ 70,900.29
Liquid Fuels	350173-350176	\$ 9,260.41
Total Bills Paid		\$ 227,030.71

### Accounts Payable

<u>Fund</u>	<u>Amount</u>
General Fund	\$ 2,283.70
Fire Protection	\$ 0.00
Post Retirement Fund	\$ 0.00
Super Fund	\$ 0.00
Solid Waste	\$ 576.85
Pool Fund	\$ 240.00
Capital Projects	\$ 0.00
Capital Debt	\$ 0.00
Liquid Fuels	\$ 0.00
Total Accounts Payable	\$ 3,100.55

Motion carried unanimously.

## HEALTH, ENVIRONMENT AND CABLE

Ms. Verbanick, Chairperson, noted there would be no delay in the garbage collection due to the Christmas or New Year's Holidays.

A motion was made by Ms. Verbanick, seconded by Mr. Robb, authorizing the proper officials to

satisfy municipal liens filed against:

Steele	461-R-242	1170 Prescott Street	GD11-22459
Wisser	648-S-153	2637 Messinger Lane	GD11-22572
Romano	650-M-351	218 Circle Drive	GD11-22428
Miller	461-C-356	128 Parkway (aka 2805 Clinton)	GD11-21868
Miladinovich	551-B-125	1913 California Avenue	GD10-23942 & GD11-21858

The accounts are up to date.

Motion carried unanimously.

Ms. Verbanick noted Christmas Trees can be placed at the curb for pickup on your normal garbage day through the week of January 9<sup>th</sup>.

### **PARKS AND RECREATION**

Mr. Robb, Chairperson, had nothing to report at this time. He wished everyone a Merry Christmas and Happy New Year.

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

Mr. Babyak, Chairperson, noted there were 27 permits issues, for a total of \$1,672.38 in fees for the month of November. There were also 7 violation notices as well as 3 citations were issued.

A motion was made by Mr. Babyak, seconded by Mr. Davis, authorizing the proper officials to file municipal liens against the following:

Kuhns, Irwin & Stella	Corner of California & Kelly	550-N-262	\$625.00
Indyk, Helen	1015 Vermont Avenue	461-D-112	\$450.00
Miller, Harry T & Doris	483 McCully Street	461-P-237	\$600.00
Fite, Shawna L.	300 Oliver Drive	551-J-287	\$550.00
Mortgage First LLC	1804 Kansas Avenue	551-A-159	\$300.00
Alberts, Charles J & Nancy	206 Foster (lot)	549-J-34	\$350.00
Smith, Albert E & Marian	521 Vermont (aka 911 Vermont)	460-R-76	\$125.00
Barron, William J, Margaret	3208 Eisenhower Drive	551-C-277	\$175.00
Grzymala, Jeffrey E	215 Sunset Drive	552-A-208	\$125.00
Barker, William J. & Mark	1311 Amherst Street	461-L-149	\$150.00

Motion carried unanimously.

### **PUBLIC SAFETY**

Mr. Massung, Chairperson, announced the police department is using the speed board, speed strips and ENRAD to monitor excessive speeding.

### **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 \$6,603.71 on the 2011 Tax Duplicate, for the period of November 1, 2011 – November 31, 2011.

**Commission due – \$52.50 (14 accounts @ \$3.75)**

Assessed Value	\$337,235,488.00
Exonerations (Less)	\$ 971,430.00
Additions	\$ 959,500.00
Abatement Values	\$ 837,800.00
Adjusted Value	\$336,385,758.00
Value of statements (actual)	\$ 1,883,760.24
Act 77 Revoked @ Face	\$ 379.34
Act 77 Eligible @ Face	<u>\$ 57,146.71</u>
Corrected Value of Statements	\$ 1,827,030.95

Collected from – 11/01/11 –11/30/11	\$ 6,603.71
Discount (add)	\$ 0.00
Less Penalty (sub)	<u>\$ 600.34</u>
Total Credited to Duplicate	\$ 6,003.37

Amount Previously Collected	\$ 1,731,968.41
Collections	\$ 6,003.37
Total Collected	<u>\$ 1,737,971.78</u>
Balance to be collected	\$ 89,021.09

**Delinquent/Liened Real Estate**

Keystone Collections Group, Delinquent/lienied Real Estate Tax Collector, turned in \$1,301.51 in taxes and costs collected for the collection period of October 26, 2011 – November 25, 2011.

<b>Commission due</b>	<b>- \$ 17.82</b>
<b>Costs</b>	<b>- \$ 20.00 (Default Judgment, Satisfactions)</b>
<b>Total Due</b>	<b>- \$ 37.82</b>

**Earned Income Tax Collector**

Keystone Collections Group, Current Earned Income Tax Collector, turned in \$70,967.49 (current year minus costs/refunds/non-resident distributions) and \$3,626.64 (prior year costs/minus refunds/non-resident distributions) in current Earned Income Tax for the collection period of November 1, 2011 – November 30, 2011.

**Commission due - \$ 1,024.28**

<b>Costs</b>	- \$	<u>2.53</u>	<b>(Postage For Refunds, Wage Card Reprints, Employer Packets)</b>
<b>Total Due</b>	- \$	<b>1,026.81</b>	

Keystone Collections Group, Delinquent Earned Income Tax Collector, turned \$868.16 (audited) in delinquent Earned Income Tax, including costs for the collection period of October 26, 2011 – November 25, 2011.

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

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

Keystone Collections Group, Current Act 511 Tax Collector, turned in \$590.00 in Local Service Tax for the collection period of November 1, 2011 – November 30, 2011.

<b>Commission due</b>	- \$	<b>8.92</b>
<b>Costs</b>	- \$	<u>0.00</u>
<b>Total Due</b>	- \$	<b>8.92</b>

Keystone Collections Group \$0.00 in Business Privilege and \$0.00 in Mercantile Tax collections plus costs for the collection period October 26, 2011 – November 25, 2011.

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

Keystone Collections Group, Delinquent Act 511 Tax Collector, turned in \$0.00 in delinquent Local Service Tax, \$2,676.43 in delinquent Business Privilege Tax, \$259.13 in delinquent Mercantile Tax for the collection period of October 26, 2011 – November 25, 2011.

<b>Commission due</b>	- \$	<b>132.42</b>
<b>Costs</b>	- \$	<u>0.00</u>
<b>Total Due</b>	- \$	<b>132.42</b>

A motion was made by Mr. Robb, 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 December 14<sup>th</sup> and 19<sup>th</sup> Workshop Sessions and the firm is working on those items outlined in his report.

A motion was made by Mr. Babyak, seconded by Mr. Massung, to accept the Engineer's Report and pay Invoice 44082, dated November 28, 2011, in the amount of \$4,939.16 regarding the 2011 Road Program.

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 ordinance(s) and resolution(s) for consideration.

A motion was made by Ms. Verbanick, seconded by Mr. Babyak, to accept the Solicitor’s Report and pay Invoices No. WOB 288, totaling \$2,878.75, dated December 19, 2011.

Motion carried unanimously.

**ANIMAL CONTROL OFFICERS’ REPORTS**

Ms. Verbanick read the Animal Control and Wildlife Officer’s Reports for the month of November 2011.

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

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

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

Motion carried unanimously.

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

	Live Trap	Road Kill	Disposal After Hours Calls
Deer	0	7	7
Bats	0	0	
Birds/Fowl/Turkey	0	0	



Chipmunk	0	0	
Degas	0	0	
Groundhogs	4	2	
Rabbits	1	1	
Raccoons	14	7	
Opossums	2	4	
Skunks	6	1	
Squirrels	3	2	
Snakes	0	0	
Turtles	0	0	
<b>Total Due</b>	<b>\$350.00</b>	<b>\$140.00</b>	<b>\$ 140.00</b>
<b>Grand Total: \$630.00</b>			

A motion was made by Ms. Verbanick, seconded by Mr. Massung, to accept the Animal Control Officer's Report for the month of November.

Motion carried unanimously.

### **RESOLUTIONS AND ORDINANCES**

Mr. Leckman read Resolution No. 3628 by short title.

#### **R-3628      2012 BUDGET APPROPRIATIONS**

A motion was made by Mr. Davis, seconded by Mr. Robb to accept Resolution No. 3628 as just read by Mr. Leckman.

Motion carried unanimously.

Mr. Pasternak declared Resolution No. 3628 adopted.

Mr. Leckman read Ordinance No. 3629 by short title for adoption.

#### **O-3629                      2012 TAX LEVY – 5.66 MILLS**

A motion was made by Ms. Verbanick, seconded by Mr. Robb, to adopt Ordinance No. 3629 as read by Mr. Leckman.

Motion carried unanimously.

Mr. Pasternak declared Ordinance No. 3629 officially adopted.

Mr. Leckman read Ordinance No. 3630 by short title for adoption.

#### **O-3630                      2012 SALARY ORDINANCE**

A motion was made by Mr. Babyak, seconded by Ms. Verbanick, to adopt Ordinance No. 3630 as read by Mr. Leckman.

Motion carried unanimously.

Mr. Pasternak declared Ordinance No. 3630 officially adopted.

Mr. Leckman read Ordinance No. 3630 by short title for adoption.

**O-3630                    2012 SALARY ORDINANCE**

A motion was made by Mr. Babyak, seconded by Ms. Verbanick, to adopt Ordinance No. 3630 as read by Mr. Leckman.

Motion carried unanimously.

Mr. Pasternak declared Ordinance No. 3630 officially adopted.

Mr. Leckman read Ordinance No. 3631 by short title for adoption.

**O-3631                    NO PARKING – LONGVUE DRIVE**

A motion was made by Mr. Davis, seconded by Ms. Verbanick, to adopt Ordinance No. 3631 as read by Mr. Leckman.

Motion carried unanimously.

Mr. Pasternak declared Ordinance No. 3631 officially adopted.

Mr. Leckman read Resolution No. 3632 by short title.

**R-3632                    REAL ESTATE TAX REFUNDS**

A motion was made by Mr. Babyak, seconded by Mr. Robb to accept Resolution No. 3632 as just read by Mr. Leckman.

Motion carried unanimously.

Mr. Pasternak declared Resolution No. 3632 adopted.

Mr. Leckman read Resolution No. 3633 by short title.

**R-3633                    POLICE PENSION EMPLOYEE CONTRIBUTION 2012**

A motion was made by Mr. Babyak, seconded by Mr. Robb to accept Resolution No. 3633 as just read by Mr. Leckman.

Motion carried unanimously.

Mr. Pasternak declared Resolution No. 3633 adopted.

**NEW BUSINESS**

Mr. Davis announced that that due to a recent General Account Standards Board (GASB) ruling funds that do not have a designated lien of funding (transfers are not included) must be considered a general purpose fund. Our auditor Maher Duessel has indicated the funds affected by this ruling are the Fire Fund and the Capital Projects Fund. A motion must be made in order to reserve fund balances for these specific uses.

A motion was made by Mr. Davis, seconded Mr. Robb, to reserve the 2011 year end fund balances of the Fire Fund and the Capital Projects Fund which are approximately \$242,177.96 and \$612,940.85 respectively.

Motion carried unanimously.

**OLD BUSINESS**

Mr. Pasternak wished everyone a Merry Christmas, Happy Hanukkah and a Happy New Year.

**ADJOURNMENT**

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

Motion carried unanimously.

Meeting adjourned at 8:33 p.m.

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Date Approved

\_\_\_\_\_  
Borough Secretary