

**MINUTES OF THE REGULAR MEETING
OF WHITE OAK BOROUGH COUNCIL
HELD MONDAY, APRIL 16, 2007 AT 8:00 P.M.**

CALL TO ORDER

Mr. Petro, President of Council, called the Regular Meeting to order at 8:00 p.m.

PLEDGE OF ALLEGIANCE

Mr. Petro led the Pledge of Allegiance.

Mr. Petro asked everyone to join in a moment of silence for the Virginia Tech victims and their families.

ROLL CALL

Attending were Council members Edward Babyak, Charles Davis, George Dillinger, Ronald Massung, David Pasternak, John W. Petro, Jr. and Kenneth Robb. Also attending were Mayor Ina Jean Marton, Solicitor Terry Leckman, Engineer Ben Faas, and Borough Secretary Nancy Greenland.

PUBLIC HEARING – PROPOSED CHANGES TO ZONING REGULATIONS

Mr. Petro noted the Borough would be holding a public hearing to receive input regarding various proposed changes to zoning regulations. The proposed changes are as follows:

- O-3465** Setting Regulations and Size Restrictions for Electronic Reader Board Signs.
- O-3468** Setting Minimum Driveway Width (10 feet) Within Commercial, Industrial and Transitional Zoned Areas.
- O-3475** Setting Time Limit For Completion of Residential Project (12 months) and Commercial Project (18 months)

Mr. Petro asked if there were any comments from those in attendance.

Wayne Washowich – White Oak Borough Zoning, Planning and Code Officer.

Mr. Washowich stated he felt these were changes that were well needed.

Mr. Washowich indicated that O-3465 – Reader Board Signs set regulations for this type of sign which currently is not identified in our regulations. He stated he has received several requests regarding this type of signage.

Mr. Washowich advised that currently the Borough does not have a minimum width for the driveway ingress/egress in commercial, industrial and transitional zoned areas. The only width requirement that has been set is for aisles within a parking lot.

Mr. Washowich stated there is no time restriction on completion of commercial or residential construction projects. We have had several projects that have dragged on for 3 to 5 years before being completed.

Mr. Washowich again expressed his desire that Council adopt these new zoning regulations.

There were no other comments.

MINUTES

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

Workshop Meeting, March 14, 2007

Workshop Meeting, March 19, 2007

Regular Meeting, March 19, 2007

There were none.

A motion was made by Mr. Pasternak, seconded by Mr. Babyak, to accept the Minutes as presented.

Motion carried unanimously.

EXECUTIVE SESSION

Mr. Leckman indicated there were a number of issues discussed during various Executive Sessions. Discussions were held on personnel matters and pending and potential litigation.

PUBLIC COMMENTS

Thomas Brindock – 1631 Kansas Avenue

Mr. Brindock expressed concern that there was conflicting information with the various Borough regulations/actions regarding cats. He noted he has seen cats running at large and felt that our current regulations prohibit any animal from running at large.

Mrs. Marton noted the Commonwealth of Pennsylvania does not require cats to be licensed, leashed/under control of the owner. The state regulations only require dogs to be licensed, leashed/under control of owner. She further advised Mr. Brindock that after he presented the Monroeville regulations regarding cats she did speak with the animal control officer for that area and he stated they do not go out looking for cats; if they receive a complaint, the complaint is followed up on. She noted this is exactly what the animal control officer for White Oak does.

Mr. Brindock again asked why cats were permitted to roam free.

Mrs. Marton again stated there is nothing in the regulations that require cats to be leashed. She noted cats are not required to be licensed, but are required to receive rabies inoculations. She advised Mr. Brindock has filed complaints against a cat that ventures onto his property. She noted there are two cats similar in size and color in that neighborhood. The immediate next

door neighbor has been contacted and asked to keep the cat inside and understood that was being done.

Mr. Petro noted he had a list of calls placed to animal control from Mr. Brindock regarding complaints about cats roaming. He noted cats are not considered a domesticated animal, they fall within the same category as raccoons and coyotes and we can't do anything about them.

Mr. Petro stated the Borough is at the point it can not do anymore for Mr. Brindock that has already been done.

Mr. Leckman noted Council did look at the regulations from Monroeville and it was their decision not to amend the Borough's regulations.

Mr. Brindock asked if his property was damaged by a cat was the Borough saying it wasn't going to do anything.

Mrs. Marton noted several months ago Mr. Brindock was asked to provide a picture of the cat on his property. She noted he has not done that as yet.

Mr. Petro advised there was nothing more Council could do regarding this matter, but if a cat did damage his property, he should call animal control.

Mr. Brindock noted he was advised by animal control that he would be able to trap the cat.

Mr. Petro stated he would need to address that issue with his (Brindock's) attorney.

Mr. Robb advised Mr. Brindock that if he needed any clarification on the regulations to see his attorney.

REPORTS OF THE STANDING COMMITTEES

President's Report

None.

Mayor's Report

Mrs. Marton gave the police activity report for the month of March.

Persons Arrested 17 (16 adults/1 juveniles)

| | |
|---|---|
| Disorderly Conduct | 1 |
| Drug Offenses | 5 |
| DUI | 3 |
| Fleeing & Attempting to Elude Police | 1 |
| Liquor Law Violations | 2 |
| Paintball Guns (unlawful carrying in vehicle) | 2 |
| Theft | 1 |
| Violation of Uniform Firearms Act | 1 |

| | |
|-------------------------------|-----|
| Summary of Traffic Violations | 80 |
| TOTAL INCIDENTS | 469 |

Mrs. Marton noted the Library is participating in National Library Week. A pre-school reading program is set for Tuesday at 12:30 p.m.

Finance

Mr. Dillinger, Chairperson, stated he had a motion to present for consideration.

A motion was made by Mr. Dillinger, seconded by Mr. Davis, to accept the list of accounts payable and bills paid in March.

Bills -

| <u>Fund</u> | <u>Check No.</u> | | <u>Amount</u> |
|------------------|------------------|----|------------------|
| General Fund | 61878-61965 | \$ | 52,568.64 |
| Fire Protection | 1052-1053 | | |
| | 21053-21054 | \$ | 7,573.64 |
| Solid Waste | 447-448 | \$ | 31,291.00 |
| Sewer Fund | 7500-7501 | \$ | 337.71 |
| Pool/Park Fund | 8231-8236 | \$ | 1,569.92 |
| Capital Projects | 1156 | \$ | 7,270.63 |
| Liquid Fuels | 591-593 | \$ | <u>21,492.85</u> |
| Total Bills Paid | | \$ | 122,104.39 |

Accounts Payable

| | | |
|------------------------|----|-----------------|
| General Fund | \$ | 28,960.87 |
| Fire Protection | \$ | 0.00 |
| Solid Waste | \$ | 2,130.00 |
| Sewer Fund | \$ | 0.00 |
| Pool Fund | \$ | 639.58 |
| Capital Projects | \$ | 0.00 |
| Liquid Fuels | \$ | <u>8,077.74</u> |
| Total Accounts Payable | \$ | 39,808.19 |

Motion carried unanimously.

A motion was made by Mr. Dillinger, seconded by Mr. Babyak, authorizing the proper officials/agents of the Borough to revive 1986 delinquent real estate tax liens which have a current balance at \$100.00 or more.

Motion carried unanimously.

A motion was made by Mr. Dillinger, seconded by Mr. Robb, authorizing the proper officials to file liens for unpaid finals for delinquent Sewer/Garbage Fees:

Ocean Bank FSB, 1802 Horizon Drive, 550-R-9, \$902.82
Terry & Susan Payne, 1115 California Ave., 461-C-210, \$121.73
Edward & Margaret Metzler, 1507 Fawcett, 461-S-139, \$906.94

Motion carried unanimously.

Health, Environment and Cable & COG Representative

Mr. Davis announced the following:

Rabies Clinic is set for Saturday, April 28 from 1 to 3 p.m. There is no charge for residents, but there is a charge of \$7.00 (per animal) for non-residents.

Clean-up Day is set for Saturday, May 19, participants should report to the Municipal Building by 9:45 a.m.

Mr. Davis announced the Borough would be participating in a special program being sponsored by Abitibi Paper Retrievers. The company is trying to entice participants to increase their paper recycling by 20%. If we meet or exceed that increase in tonnage, the Borough could be awarded \$200.00 to \$1,000.00.

Parks and Recreation & COG Representative

Mr. Pasternak, Chairperson, indicated he has several items to report on.

A motion was made by Mr. Dillinger, seconded by Mr. Robb, authorizing the proper officials to enter into an agreement with Twin Oaks for the outsourcing of the pool concession operation.

Motion carried unanimously.

Mr. Pasternak announced the Recreation Board sponsored the annual Easter Egg Hunt on Saturday, April 7, at Heritage Hill Park.

Mr. Pasternak indicated the Recreation Board would be sponsoring a Car Cruise on May 20th at Heritage Hill Park and a PNC Park Trip on August 4th. The cost of the ball game is \$25.00 which includes a ticket for the grandstand area along with transportation costs to and from PNC Park. This is Heritage Week and everyone attending would receive a free Pittsburgh Grays T-shirt.

Planning, Zoning and Code Enforcement Officer's Reports

Mr. Babyak, Chairperson, noted there were 13 permits issued in March with fees totaling \$687.90. He also noted the Code Officer issued 1 code violation notice and as of March 31, 2007 his office has collected \$4,950.00 in mechanical device/amusement machine fees.

A motion was made by Mr. Babyak, seconded by Mr. Robb, authorizing the proper officials to enter into an agreement with Evermore Inc. to conduct the required residential construction inspections under the current UCC regulations. Fees associated with these inspections will be assessed on the contractor/owner.

Motion carried unanimously.

Public Safety

Mr. Massung, Chairperson, announced the deadline for filing applications for Entry Level Patrol Officer is April 27 at 4:00 p.m. and to date 65 applications have been distributed and only 11 have been returned.

Mr. Massung noted the Disaster Shelter Team met on Sunday, April 1 at Rainbow V.F.C. Measurements were taken so that the team can design a shelter schematic. He noted other sites are being considered for shelter sites.

A motion was made by Mr. Massung, seconded by Mr. Davis, authorizing the proper officials to sign the addendum to the police collective bargaining agreement relative to the retirement of officers.

Motion carried unanimously.

Public Works/Sewer Department

Mr. Robb, Chairperson, advised the monthly Public Work Activity Report would be available for review during regular business hours.

TAX COLLECTORS' REPORTS

Mr. Petro advised the various Tax Collectors' Reports were listed on the Agenda and asked for a motion to accept the reports after Council had an opportunity to review said reports.

Current Real Estate

Robert Hart, Current Tax Collector, had no tax revenues to report on the 2006 Duplicate for the period of March 1, 2007 – March 31, 2007. There are changes under Exonerations.

Commission due – \$0.00 (00 accounts @ \$3.75)

| | |
|------------------------------|---------------------|
| Assessed Value | \$332,113,800.00 |
| Exonerations (Less) | \$ 1,021,175.00 |
| Additions | \$ 2,645,450.00 |
| Abatement Values | \$ 693,300.00 |
| Adjusted Value | \$333,044,775.00 |
| Value of statements (actual) | \$ 1,340,198.31 |
| Act 77 Revoked @ Face | \$ 200.81 |
| Act 77 Eligible @ Face | <u>\$ 45,468.77</u> |

| | |
|-----------------------------------|-----------------|
| Corrected Value of Statements | \$ 1,340,198.31 |
| Collected from – 3/1/07 – 3/31/07 | \$ 0.00 |
| Add Discount | \$ 0.00 |
| Less Penalty | \$ 0.00 |
| Total Credited to Duplicate | \$ 0.00 |
| Amount Previously Collected | \$ 1,270,119.35 |
| Collections | \$ 0.00 |
| Total Collected | \$ 1,270,119.35 |
| Balance to be collected | \$ 70,078.96 |

Delinquent/Liened Real Estate

Keystone Municipal Collections, Delinquent/liened Real Estate Tax Collector, turned in \$4,129.15 in delinquent real estate taxes plus costs for the collection period of February 26, 2007 – March 25, 2007.

| | |
|-----------------------|---|
| Commission due | - \$ 410.61 |
| Costs | - \$ 126.97 (Lien Satisfactions, 2006 New Year Letters) |
| Total Due | - \$ 537.58 |

Earned Income Tax Collector

Keystone Municipal Collections, Current Earned Income Tax Collector, turned in \$61,626.67 in current Earned Income Tax for the collection period of February 26, 2007 – March 25, 2007.

| | |
|-----------------------|-----------------------------|
| Commission due | - \$ 924.38 |
| Costs | - \$ 91.52 (Final Reprints) |
| Total Due | - \$ 1,015.90 |

Keystone Municipal Collections, Delinquent Earned Income Tax Collector, turned in \$8,724.01 in Delinquent Earned Income Tax (Audit) and \$1,717.05 in Delinquent Earned Income Tax for the period of February 26, 2007 – March 25, 2007.

| | |
|-----------------------|---------------|
| Commission due | - \$ 1,810.67 |
| Costs | - \$ 0.00 |
| Total Due | - \$ 1,810.67 |

Mercantile/Business Privilege and Emergency Municipal Service Tax Collector

Keystone Municipal Collections, Current Act 511 Tax Collector turned in \$3,603.81 in current Business Privilege Tax, \$595.81 in current Mercantile Tax and \$245.00 in current Emergency and Municipal Service Tax (formerly Occupational Privilege Tax) for the collection period of February 26, 2007 – March 25, 2007.

| | |
|-----------------------|-------------|
| Commission due | - \$ 129.65 |
| Costs | - \$ 0.59 |

Total Due - \$ 130.24

Keystone Municipal Collections, Delinquent Act 511 Tax Collector, had nothing to report for the period of February 26, 2007 – March 25, 2007.

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

A motion was made by Mr. Robb, seconded by Mr. Pasternak, to accept the Tax Collectors' Reports and pay the commissions and fees due.

Motion carried unanimously.

Engineer's Report

Mr. Faas noted the Borough received and opened bids today for the Pool House Roof Replacement Project. Three bids were received:

| | |
|---------------------|-------------|
| G & W Roofing | \$28,500.00 |
| Glendenning Roofing | \$24,949.00 |
| Likar Roofing | \$27,530.00 |

He noted Council should take some form of action regarding the bids.

Mr. Petro noted that issue would be addressed under New Business.

A motion was made by Mr. Robb, seconded by Mr. Pasternak, to accept the Engineer's Report and to pay Invoices 35801, 35802, 35803, 35804 dated March 14, 2007 totaling - \$1,187.50

Motion carried unanimously.

Solicitor's Report

Mr. Leckman stated he gave his report to Council during the Workshop. He noted he would have one ordinance and two resolutions for Council to consider later in the meeting.

A motion was made by Mr. Robb, seconded by Mr. Babyak, to accept the Solicitor's Report and pay Invoice No. WOB 1742 dated April 16, 2007 in the amount of \$1,582.00.

Motion carried unanimously.

ANIMAL CONTROL OFFICERS' REPORT

Mr. Davis read the Animal Control Officer's and Wildlife Officer's Reports for the month of March 2007.

Trish Hroblak – Animal Control Report for the Month of March 2007.

| | |
|---|-----------------|
| Number of 911 calls taken | 10 |
| Number of calls taken shelter/borough/residents | 16 |
| Number of Dogs returned to owners | 13 |
| Number of Dogs surrendered to Shelter | 5 |
| Number of Dogs humanely disposed of | 0 |
| Number of Dogs hit/killed by Vehicle | 0 |
| Number of Cats returned to owners | 1 |
| Number of Cats surrendered to Shelter | 6 |
| Number of Cats humanely disposed of | 0 |
| Number of Cats hit/killed by Vehicle | 1 |
| Number of people information filed against | 0 |
| Number of citations issued | 0 |
| Number of after hour calls (\$25.00 per call) | 2 |
| Total Due | \$275.00 |

A motion was made by Mr. Davis, seconded by Mr. Robb, to accept the Animal Control Officer's Report and pay the fee due in the amount of \$275.00 for services rendered during the month of March.

Motion carried unanimously.

Dave Collura – Wildlife Officer's Report for the month of March, 2007.

| | Live Trap | Road Kill |
|------------------|-----------------|-----------------|
| Deer | 0 | 2 |
| Birds/Fowl | 0 | 0 |
| Groundhogs | 3 | 1 |
| Rabbits | 0 | 0 |
| Raccoons | 9 | 7 |
| Opossums | 1 | 1 |
| Squirrels | 0 | 2 |
| Skunks | 4 | 1 |
| Snakes | 0 | 0 |
| Total Due | \$300.00 | \$125.00 |

Grand Total \$425.00

A motion was made by Mr. Davis, seconded by Mr. Robb, to accept the Wildlife Officer's Report and pay the fee due in the amount of \$425.00 for services rendered during the month of March.

Motion carried unanimously.

RESOLUTIONS/ORDINANCES

Mr. Leckman read Ordinance No. 3465 by short title for adoption.

O-3465 SIGN REGULATIONS – ELECTRONIC READER BOARDS (FINAL READING)

A motion was made by Mr. Robb, seconded by Mr. Pasternak, to adopt Ordinance No. 3465 as read by Mr. Leckman.

Motion carried unanimously.

Mr. Petro declared Ordinance No. 3465 adopted.

Mr. Leckman read Ordinance No. 3468 by short title for the first reading.

O-3468 MINIMUM WIDTHS FOR DRIVEWAYS IN COMMERCIAL, INDUSTRIAL AND TRANSITIONAL ZONES (FINAL READING)

Mr. Leckman read Ordinance No. 3468 by short title for adoption.

A motion was made by Mr. Pasternak, seconded by Mr. Robb, to adopt Ordinance No. 3468 as read by Mr. Leckman.

Motion carried unanimously.

Mr. Petro declared Ordinance No. 3468 adopted.

Mr. Leckman read Resolution No. 3473 by short title for adoption.

R-3473 ACT 537

A motion was made by Mr. Massung, seconded by Mr. Davis, to adopt Resolution No. 3473 as read by Mr. Leckman.

Motion carried unanimously.

Mr. Petro declared Resolution No. 3473 adopted.

Mr. Leckman read Ordinance No. 3474 by short title for adoption.

O-3474 INCREASING INDEBTEDNESS BY \$31,000.00 – PURCHASE OF F350 PICKUP

A motion was made by Mr. Robb, seconded by Mr. Davis, to adopt Ordinance No. 3474 as read by Mr. Leckman.

Motion carried unanimously.

Mr. Petro declared Ordinance No. 3474 adopted.

Mr. Leckman read Ordinance No. 3475 by short title for adoption.

O-3475 SETTING TIME LIMIT FOR COMPLETION OF RESIDENTIAL AND COMMERCIAL PROJECTS

A motion was made by Mr. Massung, seconded by Mr. Babyak, to adopt Ordinance No. 3475 as read by Mr. Leckman.

Motion carried unanimously.

Mr. Petro declared Ordinance No. 3475 adopted.

Mr. Leckman read Ordinance No. 3476 by short title for adoption.

**O-3476 ESTABLISHING REGULATIONS FOR THE INVESTMENT AND
EXPENDITURE OF FUNDS FROM THE SALE OF THE WASTE WATER
SYSTEM**

A motion was made by Mr. Pasternak, seconded by Mr. Robb, to adopt Ordinance No. 3476 as read by Mr. Leckman.

Motion carried unanimously.

Mr. Petro declared Ordinance No. 3476 adopted.

Mr. Leckman read Resolution No. 3477 by short title for adoption.

R-3477 REAL ESTATE TAX REFUND

A motion was made by Mr. Robb, seconded by Mr. Massung, to adopt Resolution No. 3477 as read by Mr. Leckman.

Motion carried unanimously.

Mr. Petro declared Resolution No. 3477 adopted.

COMMUNICATIONS

None.

NEW BUSINESS

A motion was made by Mr. Pasternak, seconded by Mr. Robb, to reject all of the bids for the flat roof replacement project on the pool bathhouse and authorizing the proper officials to modify the bid specifications for a pitched roof.

Motion carried unanimously.

ADJOURNMENT

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

Motion carried unanimously.

Meeting adjourned at 8:32 p.m.

Date Approved

Borough Secretary