

**MINUTES OF THE REGULAR MEETING
OF WHITE OAK BOROUGH COUNCIL
HELD MONDAY, MAY 21, 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.

Mr. Petro noted a group of boy scouts was present. He asked them for an introduction.

Alan Ziegler indicated members of Troop 1640 were in the process of earning their Communication Merit Badge. Part of the requirement is to attend a local government meeting.

PLEDGE OF ALLEGIANCE

Mr. Petro asked Troop 1640 to lead those attending in the Pledge of Allegiance.

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 Laura Sprankle, 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-3479 AMENDMENT TO TYPOGRAPHICAL ERROR TO
 GRADING REQUIREMENTS UNDER SECTIONS 1391.03
 AND 1367.02

Mr. Petro asked if anyone attending wished to address this issue.

Wayne Washowich- Code Officer, White Oak Borough

Mr. Washowich noted a check with Allegheny County Department of Economic Development indicated Public Hearings were not necessary if we were sure a typographical error was being corrected.

Mr. Leckman stated that in our current regulations we have the fill slope listed as 2 to 1 and for a cut slope 3 to 1. Normal requirements are for a fill slope of 3 to 1 and a cut slope of 2 to 1. The proposed amendment would bring the fill and cut slope within the normal requirements.

MINUTES

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

Workshop Meeting, April 11, 2007

Workshop Meeting, April 16, 2007

Regular Meeting, April 16, 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 litigation.

PUBLIC COMMENTS

Sandy Silverio – 208 Sunset Drive

Ms. Silverio stated she had a petition with 80 signatures for reestablishing a senior center. She noted she heard the former center was closed because it was too expensive to operate. Ms. Silverio noted she read in the paper that Dan Onorato, County Executive and Senator Logan secured grants totaling \$400,000.00 for the Monroeville Senior Center. She indicated she has already contacted Senator Logan, Representative Gergely and County Executive Onorato regarding money for a site in White Oak. She advised Senator Logan's office had indicated he recently secured a \$15,000.00 grant for the White Oak Senior Center.

Ms. Silverio noted she has been a resident for 54 years. She praised the Public Works and Police Departments.

Mr. Pasternak stated in the Borough's Newsletter which just went out a Recreation Survey was included and he noted in order to secure grants we need to prove a need for a senior center. He asked residents to fill out the survey and mail it back to the office.

Mr. Petro stated 4,200 Newsletters were mailed out. We have gotten approximately 20 surveys returned. He stated that next week the survey would be on the Borough's web-site. He indicated the Borough is looking to revamp the recreation activities in the Borough and at the White Oak Athletic Association. He suggested Ms. Silverio present the survey to the same individuals wanting to sign the petition and have them fill out the survey.

Mrs. Marton stated she assisted with the development of the first senior center and would assist in any way she could with the reestablishment of a center.

Don Kudas – 1525 Kansas Avenue

Mr. Kudas stated he felt that the clean-up program held on Saturday was very successful but unfortunately while traveling on Sunday he did notice new litter along roadside that were just cleaned up. He stated this was a matter of civic pride and was glad to see the number of children associated with the program.

Mr. Kudas stated he would like to see this done more often instead of just once a year and that he would be willing to assist the Borough in any way he could.

Tammy Truszka – 3405 Quay Street

Ms. Truszka stated she received a notice for water shut off due to a delinquent sewer/garbage invoice. She noted she rents the unit and in her lease the landlord is responsible for the utilities. She indicates she lives on a budget and recently went through three (3) cancer surgeries.

Mr. Robb noted the Borough would be glad to work out a payment plan for the delinquent balance.

Ms. Truszka noted her rent of \$600.00 per month is due on the 5th of each month and if not paid timely there is a \$60.00 late fee. She noted she was aware that she could take the payment of utility bills out of her rent.

Mr. Petro noted there are 170 delinquent accounts. Letter after letter was sent to the account holders and we have only had twelve individuals respond.

Mr. Robb again stated we could assist her with an installment plan, but we could not provide any assistance with regards to going after the landlord for non-payment of the utilities.

Ms. Truszka indicated she came out of the hospital to find the property up for sale. She noted her landlord gave her no warning.

Ms. Truszka was asked to contact the Borough office tomorrow to set up a payment plan.

REPORTS OF THE STANDING COMMITTEES

President’s Report

None.

Mayor’s Report

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

Persons Arrested 20 (12 adults/8 juveniles)

Burglary	1
Criminal Mischief	4

Drug Offense	11
DUI	2*
False Identification to Law Enforcement	1
Retail Theft	1
Summary of Traffic Violations	72
TOTAL INCIDENTS	412

- One defendant also charged with fleeing and attempting to elude police and possession of narcotics.

Mrs. Marton noted Penn State Greater Allegheny was once again holding its summer classes for children in grades 4 through 8. Anyone interested in having their child enrolled can pick up a flyer at our office. She noted enrollment is limited.

Mrs. Marton read a Proclamation declaring May 20-26 2007 as National EMS Week.

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 April.

Bills -

<u>Fund</u>	<u>Check No.</u>	<u>Amount</u>
General Fund	61966-62248	\$ 79,637.52
Fire Protection	None	\$ 00.00
Solid Waste	449-485	\$ 56,703.50
Sewer Fund	None	\$ 00.00
Pool/Park Fund	8208-8241	\$ 646.91
Capital Projects	None	\$ 00.00
Liquid Fuels	594-597	<u>\$ 8,371.85</u>
Total Bills Paid		\$ 145,359.78

Accounts Payable

General Fund	\$ 29,836.76
Fire Protection	\$ 0.00
Solid Waste	\$ 122.50
Sewer Fund	\$ 0.00
Pool Fund	\$ 1,241.70
Capital Projects	\$ 27,339.80
Liquid Fuels	<u>\$ 625.63</u>

Total Accounts Payable

\$ 59,166.39

Motion carried unanimously.

A motion was made by Mr. Dillinger, seconded by Mr. Robb, authorizing the proper officials to prepare the necessary documents for the sale of real estate, which is owned by the Borough, at the corner of Anthony Drive and Lower Heckman Road.

Mr. Dillinger noted this is a pie-shaped lot located across the street from the cemetery along Lower Heckman Road.

Motion carried unanimously.

Health, Environment and Cable & COG Representative

Mr. Davis announced the following:

The Rabies Clinic was held on Saturday, April 28 from 1 to 3 p.m. 132 dogs and cats were inoculated. Thanks to personnel from the animal shelter and office staff and the elected officials.

Clean-up Day was held Saturday, May 19, thanks to personnel from Rainbow V.F.C., White Oak V.F.C. #1, WOEMS, office personnel, elected officials and the approximate 125 volunteers who participated as well as the local businesses that made monetary or food contributions to make this a very successful event. He expressed his appreciation to Michelle Gessner for her efforts in planning this event.

A motion was made by Mr. Davis, seconded by Mr. Babyak, to satisfy liens GD91-10688 filed against James & Marlene Sowerby, 2901 McClintock Road Block and Lot 649-P-263 and GD074635 filed against M & T Rentals, 1035 Amherst Street, Block and Lot 461-F-364 for delinquent garbage fees. These liens have been paid in full.

Motion carried unanimously.

Parks and Recreation & COG Representative

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

The Recreation Board sponsored a Car Cruise on Sunday from 1-4 p.m. and attendance was limited due to the weather.

Mr. Pasternak noted Twin Rivers COG is checking with local police departments to see if there is any interest in a joint police training committee being formed. He advised ShaCOG has a similar program and it seems to be successful.

Mr. Pasternak stated he attended a Board Meeting for the State COG Association on April 24th. This was held at State College.

Mr. Pasternak noted next year's State COG Association Conference will be held in Pittsburgh. He noted he would be President of the State Association in 2008.

A motion was made by Mr. Pasternak, seconded by Mr. Davis, to send notice to the following vendors of the Borough desiring to purchase spring commodities through the ShaCOG Purchasing Alliance.

Road Aggregates and Bituminous Surfacing Materials - Hanson Aggregates
Liquid Asphalt – Russell Standard Corp.
Traffic Signs and Sign Posts – Chemung Supply Corp. and U.S. Municipal
Supply
Pre-cast Concrete Inlets – Culverts Inc.
Plastic Pipe – Walsh Equipment, Inc.
Playground Surfacing Material – Federough Landscape Supply
Ball Field Mixture – Soils Incorp.
Ammunitions and Range Supplies – Witmer Assoc, Inc.

Motion carried unanimously.

Mr. Pasternak asked residents to complete the recreation survey included in the spring newsletter that was mailed several weeks ago. He noted the Borough is looking for ways to revamp the current recreational activities offered.

Planning, Zoning and Code Enforcement Officer's Reports

Mr. Babyak, Chairperson, noted there were 14 permits issued in April with fees totaling \$1,790.80. He also noted the Code Officer has collected \$1,125.00 in amusement device fees. The Code Officer issued 20 code violation notices in April - 10 Junk/Junk Vehicles, 6 Cutting Grass/Weeds, 1 Garbage and 3 Miscellaneous.

A motion was made by Mr. Babyak, seconded by Mr. Davis, to satisfy liens GD04-00067, GD05-3376 and GD07-4660 filed against Daniel O'Connor, 1300 Lincoln Way, Block & Lot 461-G-002 for unpaid lawn services fees. Property owner failed to respond to code violation notices.

Motion carried unanimously.

Mr. Babyak announced that Twin Rivers COG would be opening bids on May 30, 2007 for the Area-wide Demolition Program. White Oak has two sites listed – Shady Bob's at 1045 Lincoln Way and 186 Upper Heckman Road. The sites on Jacks Run Road were removed from the program approximately two weeks ago. The new owner has agreed to raze the front structure and will be remodeling the back structure.

Public Safety

Mr. Massung, Chairperson, announced 44 candidates passed the Physical Agility Test for Entry level Police Officer. The Written Examination is set for Saturday, June 2, 2007 at McClure Middle School.

A motion was made by Mr. Massung, seconded by Mr. Babyak, authorizing the proper officials to prepare a Megan's Law Local Ordinance. This ordinance would restrict the proximity to daycares, schools, churches, or other common gathering places for children convicted sex offenders are permitted to take up residence.

Motion carried unanimously.

Mr. Massung announced that White Oak EMS – Search and Rescue will hold a press conference to demonstrate a search robot. This will be held on Thursday at 11:00 a.m. at the Municipal Building.

Mr. Massung noted he received an e-mail from Paul Falavalito expressing his appreciation for the efforts given by Ken Peoples and Jacie Bruno to a patient who suffered a cardiac arrest.

Mr. Massung noted he was in receipt of an e-mail from the Borough Office thanking Rainbow V.F.C. for coming out to assist the Public Works Department with installation of a new rope for our flag pole. He noted the same e-mail also expressed the Borough's appreciation to Officer Opferman for his constant attention to the protocol for the American Flag.

Public Works/Sewer Department

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

A motion was made by Mr. Robb, seconded by Mr. Davis, authorizing staff to contact the Municipal Authority of Westmoreland County to shut off water service to various locations within the Borough for non-payment of final sewer service invoice issued by the Borough of White Oak.

Mr. Robb noted there are 170 delinquent accounts. The Borough is willing to work out a payment plan for any customer. He noted we have only been contacted by 12 individuals.

Ms. Truszka asked when the Borough started to combine the sewer and garbage invoicing.

Mr. Petro noted that has been done for years.

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 2007 Duplicate for the period of April 1, 2007 – April 30, 2007. There are changes under Exonerations.

Commission due – \$3,232.50 (862 accounts @ \$3.75)

Assessed Value	\$335,398,888.00
Exonerations (Less)	\$ 274,400.00

Additions	\$ 129,000.00
Abatement Values	\$ 459,000.00
Adjusted Value	\$334,794,488.00
Value of statements (actual)	\$ 1,392,745.07
Act 77 Revoked @ Face	\$ 358.06
Act 77 Eligible @ Face	<u>\$ 43,717.70</u>
Corrected Value of Statements	\$ 1,349,385.43

Collected from – 4/1/07 – 4/30/07	\$ 248,408.80
Add Discount	\$ 5,069.45
Less Penalty	<u>\$ 0.00</u>
Total Credited to Duplicate	\$ 253,478.25

Amount Previously Collected	\$ 0.00
Collections	\$ 253,478.25
Total Collected	<u>\$ 253,478.25</u>
Balance to be collected	\$ 1,095,907.18

Delinquent/Liened Real Estate

Keystone Municipal Collections, Delinquent/lienied Real Estate Tax Collector, turned in \$15,800.73 in delinquent real estate taxes plus costs for the collection period of March 26, 2007 – April 25, 2007.

Commission due	- \$ 1,964.47
Costs	- <u>\$ 35.00</u> (Lien Satisfactions, Default Judgment)
Total Due	- \$ 1,999.47

Earned Income Tax Collector

Keystone Municipal Collections, Current Earned Income Tax Collector, turned in \$66,008.14 in current Earned Income Tax for the collection period of March 26, 2007 – April 25, 2007.

Commission due	- \$ 990.16
Costs	- <u>\$ 31.56</u> (Reprints and Reactivation Postage)
Total Due	- \$ 1,021.72

Keystone Municipal Collections, Delinquent Earned Income Tax Collector, turned in \$462.03 and \$4,484.15 (Audit) in Delinquent Earned Income Tax for the period of March 26, 2007 – April 25, 2007.

Commission due	- \$ 874.86
Costs	- <u>\$ 309.98</u> (Refunds/Postage, DMV, Constable Service, Civil Complaint, Default Judgment)
Total Due	- \$ 1,184.84

Mercantile/Business Privilege and Emergency Municipal Service Tax Collector

Keystone Municipal Collections, Current Act 511 Tax Collector turned in \$13,966.55 in current Business Privilege Tax, \$2,846.12 in current Mercantile Tax and \$245.00 in current Emergency and Municipal Service Tax (formerly Occupational Privilege Tax) for the collection period of March 26, 2007 – April 25, 2007.

Commission due	- \$	504.39
Costs	- \$	0.00
Total Due	- \$	504.39

Keystone Municipal Collections, Delinquent Act 511 Tax Collector, turned in \$23.74 in delinquent Mercantile Tax for the collection period of March 26, 2007 – April 25, 2007.

Commission due	- \$	1.19
Costs	- \$	0.00
Total Due	- \$	1.19

Delinquent Garbage Fee Collector

Keystone Municipal Collections, Delinquent Garbage Fee Collector, had nothing to report at this time.

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

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

Motion carried unanimously.

Engineer's Report

Ms. Sprankle noted The EADS Group has been working with the Public Works Department on the MS4 Storm Water Sampling Project. The annual report is due at the beginning of June.

Ms. Sprankle advised The EADS Group has been conducting some preliminary work on a pool bathhouse roof replacement project as well as improvements to the White Oak Athletic Association site.

Ms. Sprankle advised The EADS Group did not conduct any reviews of planning issues since the last meeting.

A motion was made by Mr. Babyak, seconded by Mr. Robb, to accept the Engineer's Report.

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. Babyak, seconded by Mr. Robb, to accept the Solicitor's Report and pay Invoice No. WOB 176 dated May 21, 2007 in the amount of \$2,171.64.

Motion carried unanimously.

ANIMAL CONTROL OFFICERS' REPORT

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

Trish Hroblak – Animal Control Report for the Month of April 2007

Number of 911 calls taken	4
Number of calls taken shelter/borough/residents	3
Number of Dogs returned to owners	5
Number of Dogs surrendered to Shelter	5
Number of Dogs humanely disposed of	0
Number of Dogs hit/killed by Vehicle	1
Number of Cats returned to owners	0
Number of Cats surrendered to Shelter	0
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 April.

Motion carried unanimously.

Dave Collura – Wildlife Control
Report for the month of April 2007

	Live Trap	Road Kill
Deer	0	3

Birds/Fowl	0	0
Groundhogs	8	3
Rabbits	0	1
Raccoons	41	7
Opossums	12	2
Squirrels	3	4
Skunks	9	0
Snakes	0	0
Total Due	\$300.00	\$125.00

Grand Total \$425.00

A motion was made by Mr. Davis, seconded by Mr. Babyak, 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 April.

Motion carried unanimously.

RESOLUTIONS/ORDINANCES

Mr. Leckman read Resolution No. 3478 by short title for adoption.

**R-3478 AUTHORIZING THE EXECUTION OF A LOAN NOTE PURSUANT TO
ORDINANCE NO. 3474 ADOPTED THE 16TH DAY OF APRIL, 2007**

A motion was made by Mr. Babyak, seconded by Mr. Massung, to adopt Resolution No. 3478 as read by Mr. Leckman.

Motion carried unanimously.

Mr. Petro declared Resolution No. 3478 adopted.

Mr. Leckman read Ordinance No. 3479 by short title for adoption.

**O-3479 AMENDING A TYPOGRAPHICAL ERROR WITH REGARDS TO SLOPE
GRADE IN SECTION 1931.03 AND 1367.02 OF THE BOROUGH'S CODIFIED
ORDINANCES**

A motion was made by Mr. Robb, seconded by Mr. Pasternak, to adopt Ordinance No. 3479 as read by Mr. Leckman.

Motion carried unanimously.

Mr. Petro declared Ordinance No. 3479 adopted.

Mr. Leckman read Ordinance No. 3480 by short title for the first reading.

**O-3480 ADOPTION OF THE INTERNATIONAL BUILDING CODE PROPERTY
MAINTENANCE REGULATIONS**

Mr. Leckman read Ordinance No. 3480 by short title for adoption.

A motion was made by Mr. Babyak, seconded by Mr. Robb, to adopt Ordinance No. 3480 as read by Mr. Leckman.

Motion carried unanimously.

Mr. Petro declared Ordinance No. 3480 adopted.

Mr. Leckman read Ordinance No. 3481 by short title for adoption.

O-3481 PROVIDING REGULATIONS GOVERNING REQUIREMENTS FOR THE PROCUREMENT OF OCCUPANCY PERMITS PRIOR TO THE SALE, TRANSFER OR RE-OCCUPANCY OF RESIDENTIAL DWELLINGS, CREATING INSPECTION REQUIREMENTS FOR THESE ESTABLISHMENTS AND SETTING FEES FOR OCCUPANCY PERMITS

Mr. Massung noted if this ordinance were adopted there would be a charge of \$40.00 for every home sale and change in residential tenants. He indicated he felt there was need for additional information on the mater such as what would be inspected. Would this replace the private home inspection for a sale? He stated he did not feel that this would improve the conditions of structures in the Borough. He made a motion to table the adoption of the Ordinance.

Mr. Babyak stated Council has been discussing this issue for approximately one year. He stated we either need to adopt the ordinance now or drop the issue.

Mr. Massung suggested the issue be dropped.

Mr. Dillinger stated he had no objection to a fee being charged for the sale of residential property. He noted White Oak was one of the few municipalities that currently does not impose the occupancy permit. He indicated he did have a problem with the fee being charged when there is a change in a residential tenant. He noted he was aware that this would not be done if there was more than one change within a year. He stated he felt the two issues should be considered under separate ordinances.

Mr. Pasternak stated he was in favor of the proposed ordinance. He noted landlords need to be held responsible for their property.

A motion to table action was made by Mr. Massung and seconded by Mr. Dillinger.

Motion did not carry.

Mr. Massung and Mr. Dillinger voted in favor of tabling action. Mr. Babyak, Mr. Davis, Mr. Pasternak, Mr. Petro and Mr. Robb voted against tabling action.

A motion was made by Mr. Babyak, seconded by Mr. Robb, to adopt Ordinance No. 3481.

Motion carried with Mr.. Massung and Mr. Dillinger voting No and Mr. Babyak, Mr. Davis, Mr. Pasternak, Mr. Petro and Mr. Robb voting Yes.

Mr. Petro declared Ordinance No. 3481 adopted.

Mr. Leckman read Resolution No. 3482y short title for adoption.

R-3482 REAL ESTATE TAX REFUNDS.

A motion was made by Mr. Babyak, seconded by Mr. Robb, to adopt Resolution No. 3482.

Motion carried unanimously.

Mr. Petro declared Resolution No. 3482 adopted.

COMMUNICATIONS

None.

NEW BUSINESS

Mr. Babyak expressed appreciation for the great job done by Michelle Gessner in organizing Clean Up Day.

Mr. Petro noted Ms. Gessner also assists the fire companies and WOAA..

ADJOURNMENT

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

Mr. Marvin Berk asked if he could make a comment. He thanked Council for its support of the Farmer's Market which is set to start June 19 from 3:30 p.m. until 6:30 p.m.

Motion carried unanimously.

Meeting adjourned at 8:45 p.m.

Date Approved

Borough Secretary