

BOROUGH OF TARENTUM
ALLEGHENY COUNTY, PENNSYLVANIA
BOROUGH COUNCIL
REGULAR COUNCIL MEETING
6:30 P.M. OCTOBER 19, 2015
6:00 P.M. EXECUTIVE SESSION

10/19/2015

1. CALL TO ORDER/PLEDGE OF ALLEIGANCE

2. ROLL CALL

Mayor Magnetta
Tim Firko
Eric Carter
Joseph Davidek
Erika Josefoski
Raymond Kerr
Greg Schmitt
Chief Vakulick
Michael Gutonski

3. MOTION TO APPROVE MINUTES FROM THE SEPTEMBER 21, 2015 COUNCIL MEETING AND THE SEPTEMBER 28th SPECIAL MEETING.

RESOLVED, motion by Councilman Davidek, seconded by Councilman Kerr, to approve the minutes of the September 21, 2015 council meeting and the September 28, 2015 special meeting with unanimous votes by council.

4. CITIZEN'S COMMENTS

REMARKS: Cindy Sanders, 506 C6th Avenue. Notice about maintaining yards, trash rules are ambiguous. What are the rules? The trash is so numerous that sometimes I'm unable to get in my front door because of the flies and bees. I've called property management numerous times and my basement is now leaking after I put in a new 40-foot sidewalk and all new drainage. My neighbors have goo dripping out of their trash all over the sidewalk all the time. The property is rented for two people, but two more kids just moved in, so at any given time there's about 7-8 kids and 5 adults. There are numerous problems. Two of their cars are broken down and don't move. Then they'll park in my spot or our 78-year-old neighbor who lives up the street. And they won't answer to us.

Their backyard is trashed so the kids trespass in my backyard and scribble all over my bricks with chalk. I can't sell my house because of all this.

REMARKS:

MANAGER

GUTONSKI

There are numerous rules. Obviously, you have to maintain your property. And I spoke to you on the phone about this. I've gone to your property and spoken with your neighbors, whom you say you have a good relationship with.

REMARKS:

PRESIDENT

FIRKO

And you said they clean it up once a week for trash disposal and then it gets dirty once a week?

REMARKS:

CINDY

SANDERS

(Showing photos.) They never tie their trash bags shut so there's trash everywhere. They won't clean their drains out and stuff flows out of their backyard. I just spent thousands of dollars putting new storm drains in. I also had to spend \$1300 on a fence and \$200 on a security camera because the kids keep coming in to my yard. And the poor Pitbull puppy, you know about this. The dog laid there for two weeks with a broken hip.

REMARKS:

CHIEF

VAKULICK

We had to turn that issue over to the humane society. We can't prove how it happened.

REMARKS:

MANGER

GUTONSKI

Let us hire our code enforcement officer. Since this issue came to light, we really haven't had one, and he'll put this issue on this list.

35-830

REMARKS: you said you went into an executive meeting before this to discuss administrative moves. Just looking for a clarification.

REMARKS:

SOLICITOR It was for personnel matters.

CLARK

****NO PRESIDENT'S REPORT THIS MONTH*****

6. MAYOR'S REPORT

MAYOR

MAGNETTA Calls for service for September 2015: Calls for service 445; action necessary 326; no action necessary 119; arrests 21; Citations issued 89; Total accidents 6; Accidents with injuries 1; Fines collected \$3,804.19. Fines collected for the year \$37,136.81.

Parking tickets issued 20.

Mr. Chairman, we had previously discussed that you were going to appoint a fact-finding committee to investigate how the Borough had been spending its money over the past five years. And who knows how long that's going to take, but I think the citizens have to find out what happened to their money. The electric account on October 28, 2011, transferred \$25,000 into the disbursement account, the general account. May 28, 2012, transferred \$100,000 into the disbursement account. February 4, 2015, transferred \$78,000 into the disbursement account. February 27, 2015, transferred \$21,000 into the disbursement account, which totals \$424,000 that was moved from the electric account into the general fund.

Now, the water account, October 28, 2010, transferred \$75,000. February 15, 2012, transferred \$101,772.80 into the disbursement account. February 27, 2015, transferred \$47,000 into the disbursement account, for a total of \$223,772.80.

If you total the two up, it comes to \$647,772.80. What we have left in those accounts is approximately \$40,000, correct? Correct.

The last thing we have is the EPA sewer account, which everyone pays \$5.00 every month on your water bill. We had approximately about \$140,000 in that account. On March 7, 2014, \$70,948.22 was taken out of that account and put

into the disbursement account. On May 8, 2014, the EPA account was closed. All EPA money was going directly into the disbursement account. In other words, every month, your \$5.00 was going directly into the general fund.

When Mr. Gutonski got to be president of the council, I told him there were some things he needed to look into, and the sewer issue was one that he found. The account was opened up again the day after he talked to our former secretary. And we have approximately \$40,000 in that one, right, Mr. Manager?

REMARKS: We have approximately \$70,000 in that one.

MANAGER

GUTONSKI

REMARKS:

MAYOR

MAGNETTA

And back on May 8, 2014, we had approximately \$140,000? The reason I bring this up is because this money was all taken and put into these accounts and no one knew anything about it. Am I right or wrong? No one knew? And I don't know, Mr. Solicitor, if there's anything criminal about it. I don't know. I don't know if there's any money missing. All I'm saying is this money was taken out and put into the general fund.

Now, we're talking about we wanted to redo the water tanks on the hill. We had a bond issue. Well, there's not enough money to even build a water tank. So we have to refurbish the water tank, which will come up a bit later on in the meeting. But between these accounts and the bond issue, we should have had enough money to build the tanks.

*****NO POLICE CHIEF'S REPORT THIS MONTH*****

8. MANAGER'S REPORT

10.6.15

REMARKS:

MANAGER

GUTONSKI

The only thing I have is that we bid out two projects for the Borough. One is that we want to refurbish one of our water storage tanks. And the other is to redo the water line on West 7th Avenue across the Bullcreek Bridge span. We didn't receive any bids for the Bridge, so we're going to readvertise for that job.

*****NO SOLICITOR'S REPORT THIS MONTH*****

COMMITTEE REPORTS

A. ADMINISTRATIVE , EMPLOYEE RELATIONS, FINANCE COMMITTEE

Tim Firko, Eric Carter

1. MOTION TO PAY OCTOBER BILLS.

Upon motion by Councilman Carter, seconded by Councilman Kerr,

RESOLVED, this Council approves the payment of the OCTOBER 2015 bills.

Upon roll call, the resolution was adopted with unanimous affirmative votes.

2. MOTION TO ACCEPT DAN FERRARI'S RESIGNATION AS CODE ENFORCEMENT OFFICER.

RESOLVED, upon motion by Councilman Carter, seconded by Councilman Davidek, to accept the resignation of Dan Ferrari as code enforcement officer. Motion was passed with a unanimous vote by all council present.

REMARKS:

PRESIDENT

FIRKO

Dan was hired last week and found he had some indifference to the job and resigned.

3. MOTION TO HIRE PHILLIP DAVIDEK AS CODE ENFORCEMENT OFFICER AS AN AT-WILL EMPLOYEE UNDER DIRECTION OF COUNCIL.

RESOLVED, upon motion by Councilman Carter, seconded by Councilman Kerr, to hire Phillip Davidek as code enforcement officer as an at-will employee under the direction of council. Motion was passed with five (5) affirmative votes and one (1) vote abstaining by Councilman Davidek.

REMARKS:

PRESIDENT

FIRKO Phil can start in two weeks, so let's get together with Mike and discuss the contract.

REMARKS:

MANAGER

GUTONSKI Clarification: It's not a contract; it's an agreement. It's an understanding between you as code enforcement officer and Tarentum Borough.

B. WATER COMMITTEE

Joe Davidek, Pete Varos

1. MOTION TO ACCEPT BID FROM ANDREAS PAINTING IN THE AMOUNT OF \$247,000.00 FOR THE REFURBISHING OF WATER STORAGE TANK NUMBER THREE.

RESOLVED, upon motion by Councilman Davidek, seconded by Councilman Carter, to accept bid of \$247,000 from Andreas Painting for the refurbishing of water storage tank number three. Motion passed by a unanimous vote by all council present.

REMARKS:

MANAGER

GUTONSKI We actually received three bids for this. Two were from out of state. One was from Michigan for \$800,000, and one was from Georgia for \$484,000. So, obviously, we're going to go with the local.

2. MOTION TO READVERTISE BIDS FOR THE 7TH AVENUE BULLCREEK BRIDGE WATER LINE REPLACEMENT.

10/28/15

RESOLVED, upon motion by Councilman Davidek, seconded by Councilman Carter to readvertise for bids for the 7th Avenue Bullcreek Bridge water line replacement. Motion passed by unanimous roll call vote by all council present.

REMARKS:

MANAGER

GUTONSKI Just a quick note: If we do not receive bids the second time around, the Council has the right to choose whomever we want to do the project.

*****NO ELECTRIC COMMITTEE REPORT THIS MONTH*****

D. PUBLIC SAFETY AND CIVIL SERVICE COMMITTEE

Tim Firko, Erika Josefowski

REMARKS:

PRESIDENT

FIRKO For the month of September 2015, Eureka Fire Rescue, 42 fire calls representing 121 personnel hours.

EMS, 273 calls representing 1,002 personnel hours.

Total company training hours for the month are 38.

*****NO PROPERTY & ZONING, LIBRARY & HEALTH COMMITTEE REPORT THIS MONTH*****

F. STREETS & SANITARY SEWERS COMMITTEE

3/2/03

Eric Carter, Tim Firko

1. MOTION TO PLACE TWO "15 MINUTE" PARKING SIGNS ON 2ND AVENUE IN FRONT OF VERNERS PAINT STORE FOR CUSTOMER PARKING.

RESOLVED, upon motion by Councilman Carter, seconded by Councilman Kerr to place two "15 Minute" parking signs on 2nd Avenue in front of Verners Paint Store for customer parking. Motion was passed with unanimous votes by all council present.

G. PARKS & RECREATION COMMITTEE

Erika Josefowski, Greg Schmitt

1. MOTION TO HOLD TRICK OR TREAT ON OCTOBER 31ST FROM 6:00 TO 8:00 P.M.

RESOLVED, upon motion by Councilwoman Josefowski, seconded by Councilman Kerr, to hold trick or treat on October 31st from 6:00 to 8:00 P.M. Motion was passed with unanimous votes by all council present.

REMARKS: ***I don't know who this is*** p. 18. I will be in contact with the fire department to make sure they have their routes out and are watching for general safety.

*****NO AVN/COG COMMITTEE REPORT THIS MONTH*****

*****NO KOZ COMMITTEE REPORT THIS MONTH*****

***** NO REDEVELOPMENT & REVITALIZATION COMMITTEE REPORT THIS MONTH*****

*****NO BUDGET COMMITTEE REPORT THIS MONTH*****

11. CITIZEN'S COMMENTS

REMARKS: Janice Lang, 3rd Avenue. Mr. Mayor, I just want to say what a great job you did in finding out about all the funds. But was all that going into a slush fund or petty cash where you could do whatever you want with it?

11/16/20

REMARKS:

MAYOR

MAGNETTA

It's because we have a good manager. I think it was just into the general fund to pay bills. The committee is going to look into which bills were paid, because I don't know, but I'm sure we'll find out once they make their report. I think it's important to do this now. We don't know where the budget will end up, and if there will be an increase in water rates, electric rates, or taxes.

REMARKS:

And everyone here is going to be questioned about it, why?

JANICE

LANG

REMARKS:

MAYOR

MAGNETTA

Right, and that's the reason why I thought it important to bring it up tonight and let the people know. And I see we have a representative from the newspaper here, so maybe we'll get something into the paper about this.

REMARKS:

PRESIDENT

FIRKO

And we do want to clarify that we're not automatically raising taxes or raising utilities. It's just fact-finding right now.

REMARKS:

MANAGER

GUTONSKI

I did give the Mayor some figures I'd found about where some of the money ended up, but we'll leave that to the factfinders for now.

REMARKS:

(unidentified speaker) 351 West 8th Avenue. What I want to know is, Mike, a few weeks ago a tree fell on my brand-new car right and the front of my house. Are the rest of those trees going to come down?

2/2/2023

REMARKS: We're in the process of taking care of the rest of those trees.

MANAGER

GUTONSKI

REMARKS:

So it's been three weeks. The car only had 700 miles on it. Your insurance didn't pay for anything. I don't have a deductible. So I'm going to end up paying for my house to put new shingles up and to put the satellite dishes back up.

REMARKS:

MANGER

GUTONSKI

You came to a meeting a year ago, I think, to mention about the trees, and I want to apologize to you on behalf of the entire council that we did not take any action then and that this happened. We're going to do all we can to prevent it from happening again.

REMARKS:

Now I have to pay for the council dropping the ball and it reflects through my insurance.

REMARKS: You don't have a deductible on your insurance?

MANAGER

GUTONSKI

REMARKS: I don't have a deductible on my car insurance. I have a deductible on my house. And to put a strike on it for \$5-, 600 worth of damage isn't worth it.

REMARKS:

MANAGER

GUTONSKI

I spoke to the insurance company and with us paying the deductible, we are the ones at fault here.

10-1840

REMARKS:

My insurance company said that it's going to be a strike against you if you make this claim, so it's not worth it to me to make a claim for \$500 worth of damage. It's going to be reflected on my insurance and my insurance is going to go up.

REMARKS:

The insurance company assured me that would not happen.

MANAGER

GUTONSKI

REMARKS:

Well, your insurance company isn't paying for the damage to my house, State Farm is. And I'm going to go with what they're telling me, not what Traveler's is saying. I hope you all can understand my frustration with this.

REMARKS:

Did you have to pay any money out-of-pocket?

MAYOR

MAGNETTA

REMARKS:

If I claim it under my homeowner's insurance, in the long run, it's going to cost me money. Traveler's insurance, which is the Borough's insurance, said they'll make up the deductible for my cars. Well, I don't have a deductible on comprehensive for my cars. In the long run, I'm going to pay for it month to month.

REMARKS: That's Pennsylvania law. It's called limited tort.

MANAGER

GUTONSKI

REMARKS:

So basically the Borough is running without any consequences. You can have hazardous trees fall on someone's property and not be held responsible at all for it? Well, you're not responsible for my car, because my insurance is covering it, so who's responsible? The Borough is covering nothing.

REMARKS:

MANAGER

GUTONSKI

No, sir. It's the Borough's responsibility to maintain that tree. And I called your insurance company and I took responsibility for it.

REMARKS:

So it's state law with sovereign immunity, I think, that you can't go to a city, town, or borough for insurance because they aren't held responsible or liable for anything.

REMARKS:

MANAGER

GUTONSKI

How it works is, is that if the Borough is found not at fault for being lax or negligent in performing their duties, then they can be held unaccountable. But where it does state the Borough is lax, under Pennsylvania law, there is limited on what can be done.

REMARKS:

11-16-12

Right. But like I said, it just seems like you were operating without any consequences with the trees. You drive by there every day, how could you not notice it?

REMARKS:

MANAGER

GUTONSKI

I don't think any of us were really aware of the situation. How do I pay attention to the tree? The ball was dropped a year ago. What I can promise is from this point forward, we'll do it the proper way. We'll take care of your other trees.

REMARKS:

PRESIDENT

FIRKO

And you do bring up some good points. And we don't do anything without consequences.

REMARKS:

Well, like I said, the Borough isn't paying for a dime of my case at all, and I had nothing to do with that tree. And when I came in here last time to complain about the trees, most of this council was here, except for maybe two or three people. And they did do something about it, but they stopped right at my house. The most hazardous trees, they didn't cut down, because you weren't worried about the power lines. There's only one 110-volt power line that goes through there, and you weren't worried about it. The electrician told Rossi that he wants to take it down. And that he wasn't worried about it. That's what he said. It wasn't in the budget.

REMARKS:

So they took down some of the trees?

COUNCILWOMAN

JOSEFOSKI

REMARKS:

They removed all of the trees except for the ones in front of my house. And now I have to pay for all of this damage.

20-643

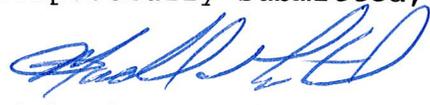
REMARKS:

Jim Bowser, 314 West 8th Avenue. I think you knew about his situation and I think in a show of good faith you should pay for the damage to his car. You're the ones that are at fault. You're the ones that are wrong. You knew it was neglected. Make a good faith statement and show you're willing to make good changes in this town.

ADJOURNMENT

Motion by Councilman Davidek, seconded by Councilwoman Josefoski to adjourn. There being no further business to come before Council, the meeting of October 19, 2015 was unanimously adjourned at 7:10 PM.

Respectfully submitted,



Michael Gutonski
Borough Manager