**BOROUGH OF ELIZABETH**

February 26, 2019

Regular Meeting of Council

**Members Present:** Paul Shaner, Chad Rager, Robin Payne-Main, Julius Brown, Gregory Huschak, Cynthia Morris and Andrew Miklos

**Absent:** None

**Also Attending:** Solicitor Krisha DiMascio and Mayor Barry Boucher

R**ecorded by:** Pamela Sharp, Secretary

**Order/Pledge of Allegiance**

The regular meeting of Council was called to order at 7:00-PM by Council President Paul Shaner. The Pledge of Allegiance was recited. President Shaner stated that, prior to the Council meeting, Council members met in an executive session to discuss personnel matters. In addition, the meeting is being recorded for the purpose of minute-taking.

**VISITORS**

**Representative Michael Puskaric** wanted to introduce himself. He said that he was excited about working with the Borough of Elizabeth, and that he is optimistic about the future growth of the Borough. President Shaner thanked Representative Puskaric for coming to the meeting and for taking such a positive interest in the Borough. He added that the Council of the Borough of Elizabeth is looking forward to working with him.

**Gabe Nowak** said that he is having issues with the Elizabeth Borough Sewage Authority. Over the past few months, he has been working with Mike Zrenchak to straighten out the sewage bills for the three properties which he recently acquired. He received a sewage invoice in the amount of $7,000 for one of these properties. This bill was recently reduced to $2,500. Mr. Zrenchak told him that one of the buildings that he purchased was once an apartment building, and this building currently has three taps. Mr. Nowak stated that, since this building is no longer an apartment building, he should not be getting billed for three taps. He is also getting billed for five taps on the larger building, which is currently empty. Solicitor DiMascio stated that, legally, Mr. Nowak must pay for every tap that is on his property. If the multiple taps are no longer necessary, he has the option of having a tap removed, but the Borough of Elizabeth cannot become involved in this matter. President Shaner suggested that Mr. Nowak should attend a sewage authority board meeting. The meetings are held on the second Thursday of the month at 11:00-AM at the sewage authority.

**Gabe Nowak** said that, concerning the takeout restaurant that he is planning, his engineer has just completed the drawings for the property, including the floor plans, the parking lot layout, traffic control, and utility line locations. Within the next business week, he will deliver the plans to the Borough Secretary. He hopes to break ground in the spring. Mr. Nowak said that he also has plans to install an LED sign in the middle of the property. Solicitor DiMascio said that the Borough has strict guidelines in its zoning ordinance pertaining to signage, so he will need to obtain a zoning permit prior to the installation of a sign. Mr. Nowak said that he will take a look at the ordinance to get a better idea of the requirements.

**Gabe Nowak** stated that the roof on the Borough’s old pump-house property down by the river is deteriorating. He said that a quick and temporary fix *now* can save the Borough from having to clean up after a collapsed roof *later*. He added that it appears that somebody is dumping vegetation debris down there. A. Miklos responded that the Borough is responsible for the vegetation debris. They are in the process of clearing out some old trees, and they will need to have access to a wood chipper to clean up the area. Mr. Nowak said that he has access to a wood chipper, and he will be happy to share it with the Borough for this purpose.

Mr. Nowak stated that he is still very much interested in this property. If Council is agreeable to allowing him to use the building for storage, he will be happy to do a quick fix on the roof, at no charge to the Borough. Solicitor DiMascio said that the problem with this location is that it may possibly be a brownfield. It’s not a toxic waste dump site, but it will require some testing and perhaps even some remediation before this property can be developed. Mr. Nowak said that, in the meantime, he would like to throw some plywood and some shingles on the roof to temporarily patch some of the holes. A. Miklos asked Council if they would like for him to get some bids for repairing the roof. Mr. Nowak said that he has some roofing materials that he can use to temporarily patch the roof well enough to last between a year and a year-and-one-half.

Representative Michael Puskaric said that the Commonwealth of Pennsylvania is extremely focused on the restoration of brownfields, so if the property is not heavily polluted, we should be able to work with it. He told Council to contact him when the Borough is ready to deal with this property. Representative Puskaric added that the State also has a web page listing of the known brownfields in the area.

**APPROVAL OF MINUTES**

Concerning the January 22, 2019, minutes, A. Miklos said that he wanted to correct the motion under “Payment of Bills” to reflect that he abstained from the vote since one of the payments that was being approved was a payment to reimburse Mr. Miklos for a paid expense. A motion was made by J. Brown and seconded by A. Miklos to approve the Minutes of the January 22, 2019, regular meeting of Council, including the correction to the motion under “Payment of Bills” as described. **All in favor, motion was carried.**

**PAYMENT OF BILLS**

The Borough Secretary said that she wanted to add the following invoices to the payables report: a $100 bond premium reimbursement payable to the Tax Collector, $202.04 in tax commissions payable to the Tax Collector, and $285.25 for fire tax receipts payable to the Elizabeth Borough Volunteer Fire Company. The reason for these late additions is because the Tax Collector’s collection report was not received until earlier this afternoon. Also, she asked Council to authorize the payment of the road salt invoice from RiverLift Industries in the amount of $6,074.25 to be made from the Liquid Fuels account.

A. Miklos wanted to review all of the invoices from Markl Supply for police vests which total $6,428. The Borough Secretary said that every year the police department applies for a grant from the PA DOJ to pay for the police bullet-proof vests. Today, the PA DOJ electronically transferred the grant award in the amount of $3,950 to help pay for the vests. Solicitor DiMascio added that a previous Council authorized the purchase of vests for non‑full-time officers, as long as they pay half of the invoice.

A. Miklos said that he wants to review the invoice from RagnaSoft, Inc. in the amount of $995 for scheduling software for the police department. He asked that this invoice not be paid until he has had an opportunity to look into this.

A motion was made by A. Miklos and seconded by G. Huschak to authorize the payment of the invoices on the payables report dated 2/22/19, including the $100 bond premium reimbursement payable to the Tax Collector, the $202.04 in tax commissions payable to the Tax Collector, $285.25 for fire tax receipts payable to the Elizabeth Borough Volunteer Fire Company, paying the road salt invoice from RiverLift in the amount of $6,074.25 from the Liquid Fuels account, and excluding the invoice from RagnaSoft, Inc. in the amount of $995. **All in favor, motion was carried.**

Solicitor DiMascio told the Borough Secretary to, in the future, make copies of all of the invoices on the payables report and bring them to the meetings in case somebody wants to review an invoice.

**REPORTS**

**Mayor Report**

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| **JANUARY 2019 - TOTAL CALLS 259** |
| Alarms | 6 |   |  K-9 usage | 8 |
| Animal complaint | 8 |   |  Motor vehicle crash | 8 |
| Assault | 1 |   |  Motor vehicle theft | 0 |
| Assist Citizen | 5 |   |  Narcotics | 9 |
| Assist EMS | 20 |   |  Ordinance complaints | 3 |
| Assist Fire | 2 |   |  Other incidents | 5 |
| Assist Police - Clairton | 7 |   |  PFA violations | 1 |
| Assist Police - Forward Twp. | 2 |   |  Property issues | 2 |
| Assist Police - Glassport | 1 |   |  Public Drunkenness | 4 |
| Assist Police - Lincoln | 4 |   |  Pursuit | 1 |
| Burglary | 2 |   |  Robbery | 1 |
| Criminal mischief | 4 |   |  Suspicious persons | 4 |
| Disabled vehicles | 6 |   |  Theft | 1 |
| Disputes | 4 |   |  Traffic complaints | 4 |
| Domestic | 3 |   |  Traffic stops | 173 |
| DUI | 3 |   |  Warrants served | 0 |
| Fraud | 2 |   |  Weapons calls | 1 |
| Harassment | 1 |   |  Welfare checks | 2 |
| Hazardous conditions | 1 |   |   | 318 |
|  |  |  |  |  |
| **Traffic & Non-Traffic Citations** |  |
| **Traffic Stops** | **173** |  | **Citations Issued** | **62** |
| Driving w/o insurance | 5 |   |  Registration obstruction | 1 |
| Driving w/o a license | 6 |   |  Registration violations | 10 |
| Driving w/ suspended license | 7 |   |  Restrictions on hwy./bridge | 0 |
| Driving at unsafe speed | 3 |   |  Required lights | 1 |
| Emissions violations | 1 |   |  Speeding | 0 |
| Inspections violations | 3 |   |  Stop signs | 0 |
| Obedience to traffic control | 20 |   |  Suspended registration | 0 |
| Permitting violations | 2 |   |  Non-traffic / Public intox | 2 |
|  |  |  |  |  |
| **Criminal Arrests 11** |
| DUI | 4 |   |  Possession | 5 |
| Pursuit related arrest | 1 |   |  Theft | 1 |
|  |  |  |  |  |
| **West Elizabeth** |
| Calls for service | 24 |   |  Criminal arrests | 2 |
| Citations issued | 11 |   |  Non-traffic citations | 1 |

President Shaner read the following **Treasurer’s Report:**

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| **01/19/19 - 02/22/19** |
| **Bank Account** | **Bank Balance** | **Income** | **Expense** | **Ending Balance** |
| General Fund |  73,397.25  |  43,070.84  |  74,490.29  |  41,977.80  |
| Payroll |  192.51  |  41,370.00  |  41,437.33  |  125.18  |
| Special Projects  |  621.74  |  -  |  -  |  621.74  |
| K-9 Fund |  13,645.11  |  -  |  12,126.22  |  1,518.89  |
| Liquid Fuels |  16,218.40  |  3.45  |  -  |  16,221.85  |
| Totals |  104,075.01  |  84,444.29  |  128,053.84  |  60,465.46  |
|  |  |  |  |  |
|  |  |  |  |  |
| **Loans** | **Maturity Date** | **Loan Amount** | **Principal Paid** | **Balance Owed** |
| FCB - TAN | 12/31/2019 |  75,000.00  |  -  |  75,000.00  |
| PNC - Car Loan | 5/1/2019 |  39,500.00  |  37,349.39  |  2,150.61  |
| PNC - Mortgage | 3/31/2023 |  115,000.00  |  28,784.53  |  86,215.47  |
| PNC - K-9 Car Loan | 2/4/2021 |  55,431.52  |  32,281.28  |  23,150.24  |
| Totals |  -  |  284,931.52  |  98,415.20  |  186,516.32  |

Solicitor DiMascio asked the Borough Secretary to explain the payment in the amount of $12,105 from the K-9 account via check number 221. The Borough Secretary said that the 2016 K-9 police vehicle loan is paid annually. The $12,105 payment represents the third-year payment to PNC Bank. There will be five payments in total. A. Miklos asked the Borough Secretary whether this annual payment is paid with funds from the K-9 Fund as opposed to the General Fund. She responded affirmatively. A. Miklos asked the Borough Secretary if the K-9 Fund is actually a separate account from the General Fund. She said that all of the money in the K-9 Fund is money that has been collected from fundraising efforts. At no time has any money from the General Fund ever been deposited into the K-9 Fund. A. Miklos asked the Borough Secretary for the names of the individuals who sign the checks. The Borough Secretary responded that President Shaner and Julius Brown signs checks. Mayor Boucher added that the checks require two signatures. The Borough Secretary responded that hers is usually the 2nd check signature.

Solicitor DiMascio asked the Borough Secretary whether she has received the payment for the sidewalk repairs from the Elizabeth Borough Municipal Authority. She responded that the payment has not yet been received. Vice President Rager said that this payment is scheduled to be approved by the Elizabeth Borough Municipal Authority Board of Directors at their next meeting on the second Thursday of the month. President Shaner said that the amount of the check will be $38,000. Vice President Rager asked whether this check will be deposited into the Borough’s General Fund. President Shaner responded affirmatively.

A motion was made by G. Huschak and seconded by A. Miklos to accept the Treasurer’s Report dated February 22, 2019. **All in favor, motion was carried.**

Solicitor DiMascio said that the Borough Secretary is not preparing the Profit and Loss report to accurately reflect the current budget status. She said that the Borough Secretary is not using proper accounting practices. She told the Borough Secretary to back out all payments that were made in 2019 for expenses that were incurred in 2018. Vice President Rager told the Borough Secretary that this includes the 2018, 4th quarter, $5,000 donation to the Elizabeth Borough Volunteer Fire Company which she did not pay until late January. Solicitor DiMascio added that the Borough Secretary should actually be amending all of the 2018 Profit and Loss reports, or else Council will never have an accurate snapshot of the Borough’s current budget. Mayor Boucher disagreed and said that the audit is based on actual dollars spent – not the budget, and he would rather know where the Borough currently stands financially, rather than where the budget stands. Solicitor DiMascio said that this may be so, but it is not standard accounting practices and it needs to be changed so that the Profit and Loss reports are not skewed. If the 2018 expenses are not backed out of the report, the budget will never be right.

**Solicitor**

Solicitor DiMascio said that the amendment to the zoning ordinance map with Mackin Engineering has been completed. This has been submitted to Allegheny County for a 45-day waiting period. Mackin Engineering has recommended the scheduling of a zoning hearing. We have to give at least 30-days’ notice to any property owners who are affected by this. The hearing has to be more than 30 days out, but not more than 60 days out. Council will need to either schedule a special meeting date on which to hold the hearing, or schedule it on the day of the April 23rd regular meeting of Council at 6:30-PM, which is prior to the start of the regular meeting. Solicitor DiMascio said that Mackin Engineer is going to do the advertising, the postings, and the mailings for the Borough.

C. Morris said that it makes more sense to hold the public hearing prior to start of the April 23rd regular meeting of Council, unless anybody objects. There were no objections.

A motion was made by C. Morris and seconded by A. Miklos to authorize the advertisement of the public hearing for the zoning map changes, to be held on April 23, 2019, at 6:30-PM. **All in favor, motion was carried.**

Solicitor DiMascio stated that the Borough has a loan that was improperly executed. She asked that Council invoke the 90-day clause to revoke this loan and to restart the loan process. A motion was made by President Shaner and seconded by C. Morris to invoke the 90-day clause to revoke the loan that was improperly executed, and to restart the loan process**. Those in favor: President Shaner, J. Brown, Vice President Rager, R. Payne-Main, G. Huschak, C. Morris, and A. Miklos. Those opposed: None.** **All in favor, motion was carried.**

Solicitor DiMascio said that she is still in the process of trying to clean up the delinquent tax collection report.

Solicitor DiMascio said that the first round of police interviews will be held in early March.

**Building Inspector Report**

President Shaner said that everybody should have received the January 2019, Building Inspector report. Any questions about the report should be directed to the Building Inspector through the Borough Secretary.

A. Miklos asked the Borough Secretary to notify the Building Inspector that his carport is being installed this Friday – in the event the Building Inspector wants to inspect the work.

Solicitor DiMascio said that the Borough Secretary received a variance application from the new owners of the former St. Michael’s School. They want to use this building for self-storage, which is not an allowable use per the Borough’s zoning ordinance. Solicitor DiMascio said that she told the Borough Secretary to send the variance application to the zoning solicitor, Amy Schrempf, which she did. Attorney Schrempf denied the variance outright. Solicitor DiMascio said that she wanted everybody to be aware of the fact that a change to the Borough’s zoning ordinance is a long, drawn-out, and deliberative process - such as the process that is currently underway for the zoning map updates.

**Animal Control**

No report.

**COMMITTEES**

**Finance and Budget**

No report.

**Public Safety**

A motion was made by A. Miklos, and seconded by G. Huschak to park the three Dodge Durango police vehicles in the Elizabeth Borough Municipal Authority parking lot, which is gated and locked, and to allow the police officers to drive the two Ford police vehicles only. **Those in favor: President Shaner, J. Brown, Vice President Rager, R. Payne-Main, G. Huschak, C. Morris, and A. Miklos. Those opposed: None.** **All in favor, motion was carried.**

A. Miklos said that there is a place down at the Borough garage where the vehicle keys can be stored. He said that he could purchase a padlock for the storage box, and he could give one of the padlock keys to the Borough Secretary. This is how it was set up years ago. Mayor Boucher said that he will contact OIC Sgt. Kimmell first thing tomorrow morning and tell him to move the three Dodge vehicles to the sewage authority parking lot.

Solicitor DiMascio said that there are some Police Department personnel who were never officially hired “on the record,” and this needs to be remedied. She added that she believes that there was authority to hire additional police officers, but there was never an actual motion made by Council. OIC Sgt. Kimmell is asking for Council to retroactively hire these three police officers. She recommends that these officers come to the next Council meeting so that they can be sworn in during the meeting. One officer was hired in November 2017, one was hired in March 2018, and the other was hired in October 2018. She added that OIC Sgt. Kimmell believes that the Borough needs to hire two or three additional part-time police officers; however, she believes that Sgt. Kimmell should work with the Mayor and the new Police Chief in order to make these determinations. She said that she in encouraging OIC Sgt. Kimmell to come before Council and the Mayor to explain why the Police Department is short-staffed. Additionally, OIC Sgt. Kimmell is working to confirm that all of the police officers who did resign have copies of their letters of resignation in their personnel files, and that their resignation dates match the ones that Council has. Solicitor DiMascio said that once these three police officers are sworn in, she wants the Borough Secretary to put a copy of the minutes showing that they were officially hired by Council into their personnel files. She said that she will email Sgt. Kimmell to ask him to make sure that the three police officers are present at the March meeting.

Vice President Rager said that there was a lot of property damage in the Borough during the recent storm. A lot of people had shingles blown off of their roofs and some trees were blown down. The Fire Department also responded to a couple of fire calls. Fire Department personnel staffed the fire hall for two days straight. He said that it was fortunate that nobody lost power during this storm.

**Public Works**

A. Miklos said that he does not have the bids for the tree removal project that he wanted to discuss, so he will table this discussion until the next meeting.

A. Miklos said that, regarding Plum Street, President Shaner, Vice President Rager, Mayor Boucher and he met with the engineers to discuss what needs to be done to solve this gas shut-off valve issue. He said that they are going to saw-cut one slab of the concrete so that they can locate the gas shut-off valve. The cost for cutting the slab is $850. At the same time, he would like to remove the Plum Street electric box from within the Masonic building so that the electric is completely controlled by Elizabeth Borough. In addition, they are looking to install a timer for the lights so that they are not running from dusk until dawn. He is also going to get an estimate for the cost of removing the Plum Street electric box from the Masonic building.

A. Miklos said that, regarding the sinkhole on Plum Street, he is working on getting the gas company, the water company, and the sewage authority to take a look at this and get it fixed.

Vice President Rager said that Wayne Lewis and Devon Brown have been working very hard and getting a lot of things done in the Borough, including general clean-up and tree trimming.

**Parks and Recreation**

R. Payne-Main said that she is currently working on this year’s *Kid’s Day* event. It will be held on Saturday, August 17, 2019. She is also looking for grant money to get a new playground.

**Ordinance**

No report.

**Personnel**

A motion was made by Vice President Rager and seconded by G. Huschak to accept the resignation of Police Officer Lauren Moore. **All in favor, Motion was carried.**

A motion was made by G. Huschak and seconded by C. Morris to accept the resignation of Police Officer Patrick Lucas. **All in favor, Motion was carried.**

**Economic Development**

Vice President Rager said that, regarding the Riverfront Park project, the first part of the project will be fixing up the lookout area where the broken sewage pipe caused structural damage to the gazebo and the sidewalk. Then the grant for $167,000 will be used to continue the improvements in that area. They are working on ideas to stretch this money to get the most for their dollars. Then they are using the $250,000 grant to level out the sidewalks and curbs from Market Street down to the river, install a type of boardwalk and a lookout, build a retaining wall, install a handrail, and put benches along the river front. President Shaner said that they are going to make this area low maintenance by using concrete and not wood, and by using aluminum railings. This Riverfront Park project is going to be a great focal point along the river, and it will truly show off the Borough.

A motion was made by Vice President Rager and seconded by A. Miklos to approve the concurring resolution to authorize the filing of an application for funds with the RAAC for the Plum Street Phase 6 Project in the amount of $250,000. **Those in favor: President Shaner, J. Brown, Vice President Rager, R. Payne-Main, G. Huschak, C. Morris, and A. Miklos. Those opposed: None.** **All in favor, motion was carried.**

**Planning**

No report.

**OLD BUSINESS**

None.

**NEW BUSINESS**

President Shaner said that Council needs to vote on the exoneration of the Tax Collector for the collection of the 2018 real estate taxes. A motion was made by Vice President Rager and seconded by C. Morris to exonerate the tax collector from the collection of 2018 real estate taxes. **All in favor, motion was carried.**

Solicitor DiMascio stated that the Borough received a special event application from Lori Kolodziej, however the application contains three different special events. One of the events is requesting the full and complete closure of Plum Street from June through August, and the other two do not. Since these events are not equal, each special event needs to have its own special event application. Ms. Kolodziej said that she will do so. Solicitor DiMascio said that the issue of a possible Plum Street closure may be controversial, so holding off on approving these applications until the March meeting will allow interested parties to attend next month’s regular meeting of Council to voice their opinions.

**PUBLIC COMMENTS**

None.

**GOOD OF THE ORDER**

R. Payne-Main said that she would like for Council to vote on having a town hall meeting this year. Lori Kolodziej offered the use of her theater for this purpose.

**ADJOURNMENT**

With no other business before this Council, a motion was made by J. Brown and seconded by Vice‑President Rager that the meeting be adjourned at 8:24-PM. **All in favor, motion was carried.**

**I enter these Minutes into the public record having been duly recorded and accepted at a public meeting.**

**Respectfully submitted,**

**Pamela J. Sharp, Secretary**